A/73/53

United Nations

Report of the Human Rights Council

Twenty-seventh special session
(5 December 2017)

Thirty-seventh session
(26 February–23 March 2018)

Twenty-eighth special session
(18 May 2018)

Thirty-eighth session
(18 June–6 July 2018)

General Assembly
Official Records
Seventy-third Session
Supplement No. 53

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United Nations • New York, 2018

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I. Introduction

1. The Human Rights Council held its twenty-seventh special session on 5 December 2017. It held its thirty-seventh session from 26 February to 23 March 2018. It held its twenty-eighth special session on 18 May 2018 and its thirty-eighth session from 18 June to 6 July 2018.

2. The reports of the Human Rights Council on the above-mentioned sessions have been issued in documents A/HRC/S-27/3, A/HRC/37/2, A/HRC/S-28/2 and A/HRC/38/2.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

37/29. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing deep concern about the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Recalling the obligation by all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, including schools and medical facilities as such, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process, in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and noting the ongoing work on de-escalation areas, hoping that these will lead to a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, pursuant to Security Council resolution 2165 (2014) of 14 July 2014, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a war crime,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as medical facilities and personnel, may amount to war crimes,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, and reiterating that all those responsible for any use of chemical weapons must be held accountable,

Regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

Deploring the fact that the conflict in the Syrian Arab Republic continues into its eighth year, and the subsequent devastating impact on the enjoyment of human rights in the Syrian Arab Republic,

1. *Welcomes and calls for* the full and immediate implementation of Security Council resolution 2401 (2018) of 24 February 2018, in which the Council demanded that all parties cease hostilities without delay for at least 30 consecutive days to allow the safe, unimpeded and sustained delivery of humanitarian aid and services and medical evacuations of the critically sick and wounded, in accordance with applicable international law;

2. *Calls upon* all Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Urges* the parties to the conflict to abstain from any actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situations in order to reach a genuine political transition based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), and with the full and meaningful leadership and participation of women in all efforts consistent with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity;

4. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular information on those who have allegedly violated international law;

5. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

6. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

8. *Further strongly condemns* the Syrian authorities' use of starvation of civilians as a method of warfare, of besiegement directed against civilian populations and of cluster munitions, and the indiscriminate use of heavy weapons and aerial bombardment, incendiary weapons, ballistic missiles and barrel bombs, and stresses the particular situations of concern in Idlib, where reports suggest that the use of some of these methods of warfare by the Syrian authorities have recently led to the deaths of civilians and the internal displacement of 300,000 people, and Eastern Ghouta, where up to 400,000 people remain besieged, and demands rapid, unhindered and sustained humanitarian access to and medical evacuations for those in need;

9. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

10. *Also strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations of international human rights law and international humanitarian law, as applicable, and deplores in particular the impact of the denial of humanitarian access on their lives and well-being;

11. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, to comply with their respective obligations under international human rights law and international humanitarian law, including by refraining from carrying out attacks against the civilian population and civilian objects, medical units, personnel, patients and transport and schools and personnel involved in humanitarian assistance;

12. *Strongly condemns* all acts of sexual violence, including rape, which have disproportionately affected women and girls throughout the conflict in the Syrian Arab Republic, and calls for immediate medical and psychosocial support to be provided to survivors of such crimes, and for every effort to be made to ensure justice for those who have suffered as a result of such crimes;

13. *Also strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Further strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of

detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for the Syrian authorities to publish a list of all detention facilities;

18. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees, to allow access to medical services for all detainees, and to provide information on those they have detained to their families;

19. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

20. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

21. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, including the indiscriminate use of car and suicide bombs, snipers and hostage-taking, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

22. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

23. *Recalls* the decision of the Security Council in its resolution 2118 (2013) that the Syrian Arab Republic should not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors, and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

24. *Condemns in the strongest possible terms* the continued use of chemical weapons in the Syrian Arab Republic, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013) and the decisions of the Executive Council of the Organisation for the Prohibition of Chemical Weapons, including decision EC-M-33/DEC.1, and the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

25. *Recalls* the reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism of 26 October 2017, and expresses grave concern at its findings that the Syrian authorities were responsible for the use of chemical weapons in attacks in the Syrian Arab Republic, including sarin in one attack —

in Khan Shaykhun on April 2017 — and chlorine in three attacks — in Tallmannis in 2014 and in Qaminas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two sulphur mustard attacks in the Syrian Arab Republic, in Marea in 2015 and in Umm Hawsh in September 2016;

26. *Also recalls* the reports of the Commission of Inquiry, and expresses grave concern at its findings that the Syrian authorities were responsible for the use of sarin on 4 April, 2017 in Khan Sheikhoun;

27. *Expresses grave concern* at the conclusion of the Organisation for the Prohibition of Chemical Weapons fact-finding mission that sarin was more than likely used on 30 March 2017 in Al-Lataminah;

28. *Also expresses grave concern* at numerous continuing allegations of the use of chemical weapons in recent months and weeks, including in Idlib Province and Eastern Ghouta;

29. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017 and October 2017, in which the Technical Secretariat reported that it had been unable verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

30. *Demands* that all parties identified in the reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and the importance of holding to account those responsible for all violations of international humanitarian law and all violations and abuses of international human rights law;

32. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

33. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

34. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and stresses its mandate to cooperate closely with the Independent International Commission of Inquiry on the Syrian Arab Republic in all aspects of its work;

35. *Invites* Member States to support actively the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning;

36. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and that ensuring accountability must be reflected as a prerequisite in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

37. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 3 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

38. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

39. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015, 2268 (2016), 2393 (2017) of 19 December 2017 and 2401 (2018), and calls upon Member States to fully fund the United Nations appeals;

40. *Expresses deep concern* for the more than 6 million internally displaced persons and 5 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principle of burden-sharing;

41. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

42. *Welcomes* the international conferences on supporting the Syrian people and the region, held in Kuwait City and London, as well as the follow-up conference held in Brussels in 2017, and looks forward to the second Brussels conference on the Syrian Arab Republic, in April 2018, which is aimed at securing pledges for humanitarian needs in the Syrian Arab Republic and the region, renewing commitment to supporting the resilience of host communities and refugees in Turkey, Lebanon, Jordan, Iraq and Egypt, underlining the need to protect civilians and respect international human rights law and international humanitarian law and reaffirming international support for the United Nations-led intra-Syrian talks in Geneva within the framework provided by the Security Council in its resolution 2254 (2015);

43. *Renews* its call upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the Brussels conference;

44. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political transition, including through the establishment of an inclusive transitional governing body with full executive powers, and urgently work towards the comprehensive implementation of the Geneva communiqué and Security Council resolution 2254 (2015) within the framework of the United Nations-led intra-Syrian talks in Geneva;

45. *Decides* to extend for one year the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic;

46. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during the interactive dialogue at its thirty-eighth session, and to present an updated written report during an interactive dialogue at the thirty-ninth and fortieth sessions;

47. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit

the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

48. *Also decides* to remain seized of the matter.

55th meeting
23 March 2018

[Adopted by a recorded vote of 27 to 4, with 16 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]

37/37. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian law and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Recalling further the statement of 15 July 1999 and the declarations adopted on 5 December 2001 and 17 December 2014 at the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, at which the High Contracting Parties reaffirmed, inter alia, their commitment to uphold their obligation to ensure respect for the Convention in the Occupied Palestinian Territory, including East Jerusalem,

Recalling its relevant resolutions, including resolutions S-9/1 of 12 January 2009, 19/17 of 22 March 2012 and S-21/1 of 23 July 2014,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

Expressing its appreciation to the independent commission of inquiry on the 2014 Gaza conflict, and all other relevant United Nations mechanisms, as well as the treaty bodies and other United Nations bodies, for their reports,

Recognizing the work of Palestinian, Israeli and international civil society actors and human rights defenders in documenting and countering violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, including the findings of the United Nations Fact-Finding Mission on the Gaza Conflict, of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, of the independent commission of inquiry on the 2014 Gaza conflict, and of the boards of inquiry convened by the Secretary-General,

Condemning all violations of human rights and of international humanitarian law, and appalled at the widespread and unprecedented levels of destruction, death and human suffering caused in the Occupied Palestinian Territory, including East Jerusalem,

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967, and affirming that this is necessary in order to uphold human rights and international law,

Deploring the non-cooperation by Israel with all Human Rights Council fact-finding missions and the independent commission of inquiry on the 2014 Gaza conflict, and the refusal to grant access to and cooperate with international human rights bodies and a number of United Nations special procedures seeking to investigate alleged violations of international law in the Occupied Palestinian Territory, including East Jerusalem,

Regretting the lack of implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict,[1] the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[2] and the United Nations Fact-Finding Mission on the Gaza Conflict,[3] which follows a pattern of lack of implementation of recommendations made by United Nations mechanisms and bodies,

Alarmed that long-standing systemic impunity for international law violations has allowed for the recurrence of grave violations without consequence, and stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Regretting the lack of progress in the conduct of domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli civil and criminal legal system contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy,

Emphasizing the need for States to investigate and prosecute grave breaches of the Geneva Conventions of 1949 and other serious violations of international humanitarian law, to end impunity, to uphold their obligations to ensure respect and to promote international accountability,

Noting the accession by the State of Palestine on 2 January 2015 to the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the independent commission of inquiry on the 2014 Gaza conflict;[1]

[1] A/HRC/29/52.
[2] A/HRC/22/63.
[3] A/HRC/12/48.

2. *Calls upon* all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict,[1] the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[2] and the United Nations Fact-Finding Mission on the Gaza Conflict,[3] in accordance with their respective mandates;

3. *Notes* the importance of the work of the independent commission of inquiry on the 2014 Gaza conflict, the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and the United Nations Fact-Finding Mission on the Gaza Conflict, and of the information collected regarding grave violations in support of future accountability efforts, in particular information on alleged perpetrators of violations of international law;

4. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law and international human rights law are held to account through appropriate, fair and independent national or international criminal justice mechanisms, and to ensure the provision of effective remedy to all victims, including full reparations, and stresses the need to pursue practical steps towards these goals to ensure justice for all victims and to contribute to the prevention of future violations;

5. *Stresses* that all efforts to end the Israeli-Palestinian conflict should be grounded in respect for international humanitarian law and international human rights law and should ensure credible and comprehensive accountability for all violations of international law in order to bring about sustainable peace;

6. *Calls upon* the parties concerned to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened;

7. *Denounces* all acts of intimidation, threats and delegitimization directed at civil society actors and human rights defenders involved in documenting and countering violations of international law and impunity in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States to ensure their protection;

8. *Calls upon* all States to promote compliance with international law and all High Contracting Parties to the Fourth Geneva Convention to respect, and to ensure respect for, international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and to fulfil their obligations under articles 146, 147 and 148 of the said Convention with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties, including by ensuring that their public authorities and private entities do not become involved in internationally unlawful conduct, inter alia, the provision of arms to end users that could use the arms to commit or facilitate serious violations of international humanitarian and/or human rights law;

9. *Recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict in its report has been or is being taken appropriately at the national or international levels to ensure justice for victims and accountability for perpetrators;

10. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the present resolution to the Human Rights Council at its fortieth session;

11. *Decides* to remain seized of the matter.

56th meeting
23 March 2018

[Adopted by a recorded vote of 27 to 4, with 15 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Iraq, Kyrgyzstan, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovenia, South Africa, Switzerland, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Croatia, Democratic Republic of the Congo, Ethiopia, Georgia, Germany, Hungary, Japan, Kenya, Mexico, Panama, Republic of Korea, Rwanda, Slovakia, Spain, Ukraine]

III. Resolution adopted at the twenty-seventh special session

S-27/1. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and their Optional Protocols, as well as the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights law,

Recalling the General Assembly resolutions on the situation of human rights in Myanmar, and the most recent text adopted by the Third Committee on 16 November 2017,[4] as well as those of the Human Rights Council, the most recent of which being resolution 34/22 of 24 March 2017, in which the Council decided to dispatch urgently an independent international fact-finding mission to establish the facts and circumstances of the alleged recent human rights violations and abuses, and Council decision 36/115 of 29 September 2017, in which the Council extended the mandate of the fact-finding mission until its thirty-ninth session, and reaffirming Council resolution 29/21 of 3 July 2015,

Recalling also the statement by the President of the Security Council of 6 November 2017,[5]

Stressing that States have the primary responsibility for the respect, promotion and protection of human rights,

Noting the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes as stipulated in Chapter VIII of the Charter,

Expressing grave concern at the recent reports of serious violations and abuses of human rights in Myanmar, in particular in Rakhine State, as well as in Kachin State and northern Shan State,

Recalling the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Human Rights Council at its thirty-fourth session[6] and the report submitted to the General Assembly at its seventy-second session,[7] welcoming the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to some parts of the country in June and July 2016, January 2017 and, most recently, July 2017, and echoing her concerns regarding limitations on access,

Welcoming the oral update presented to the Human Rights Council by the fact-finding mission in September 2017,

Noting with deep concern the flash report of the Office of the United Nations High Commissioner for Human Rights dated 3 February 2017, entitled "Interviews with Rohingyas fleeing from Myanmar since 9 October 2016", prepared following a mission by the Office to Bangladesh, and its report dated September 2017, entitled "Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh",

Alarmed by the statements and reports from the United Nations system on grave human rights violations and abuses carried out in a systematic, targeted and deliberate

[4] See A/72/439/Add.3 (forthcoming).
[5] S/PRST/2017/22.
[6] A/HRC/34/67.
[7] A/72/382.

manner by security forces assisted by non-State actors in Rakhine State through the disproportionate use of force, extrajudicial and summary killings, including of children, sexual violence, including rape, indiscriminate firing of weapons and the planting of landmines, the destruction of property, livelihoods and futures, disappearances, torture and other cruel, inhuman or degrading treatment or punishment, attacks on places of worship and religious intolerance, resulting in large-scale forced displacement and indicating the very likely commission of crimes against humanity,

Acknowledging the urgent need to restore law and order, peace and security to protect all civilians, including individuals in a vulnerable situation, from any harm or acts of reprisal,

Highly alarmed at the outbreak of violence in Rakhine State in October 2016 and August 2017 that caused the displacement of hundreds of thousands of Rohingya civilians to Bangladesh, bringing the total to more than 600,000 Rohingyas, mainly women, children and the elderly, who have joined the hundreds of thousands of those among the Rohingya population previously displaced from Myanmar to Bangladesh that had fled violence in Myanmar in phases over the years,

Noting with deep concern that, according to the United Nations Children's Fund, nearly 60 per cent of the Rohingya population who have been forced to flee to Bangladesh are children, and that a large number of those children are unaccompanied, separated or orphaned,

Concerned that, despite the fact that the Rohingya population, especially Muslims, had been living in Myanmar for generations prior to its independence and have no ties to anywhere but Myanmar, they have been made stateless since the enactment of the 1982 Citizenship Law and since then have been subjected to restrictions on access to education, health services and livelihoods, underscoring that the lack of citizenship status and related civil and political rights of Rohingya Muslims and others, including voting rights, is a serious human rights violation,

Welcoming the formation by the Government of Myanmar of the Advisory Commission on Rakhine State, chaired by Kofi Annan,, which submitted its final report in August 2017,[8] and the commitment of the Government of Myanmar to implementing the Commission's recommendations and addressing the underlying causes of the situation in Rakhine State,

Noting that the Government of Myanmar has established an investigation commission, led by Vice-President U Myint Swe, and encouraging the publication of a credible, independent and impartial investigation report on allegations of human rights violations without delay,

Noting with serious concern reports of incitement to racial or religious hatred leading to violence, including the fuelling of intercommunal tension in central Rakhine State, and calling upon the Government of Myanmar to take all measures necessary, while fully respecting human rights and fundamental freedoms, to combat any incitement to hatred, tension or violence by publicly condemning such acts, and welcoming the Government's efforts to promote interfaith dialogue in the country,

Noting those developments in Myanmar that contribute positively towards political and economic reform, democratization, national reconciliation, good governance and the rule of law and the efforts made to respect, protect and fulfil human rights and combat corruption, and encouraging the Government of Myanmar to take further steps to address outstanding concerns, in particular those reflected in the present resolution as well as in Human Rights Council resolution 34/22,

Noting also the bilateral instrument entitled "Arrangement on return of displaced persons from Rakhine State", recently concluded between Bangladesh and Myanmar,

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[8] Advisory Commission on Rakhine State, "Towards a peaceful, fair and prosperous future for the people of Rakhine" (August 2017). Available at https://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

Deeply concerned by the current climate of non-cooperation with United Nations and international non-governmental organizations, including international humanitarian actors, as demonstrated by government restrictions on access to northern Rakhine State and the recent attempts by local mobs to prevent urgent aid from reaching those in need, and by the fact that humanitarian access remains restricted in Rakhine State and is discriminatory against the Rohingya community,

Alarmed by the significant impact of the huge Rohingya influx towards Bangladesh, in the form of socioeconomic and demographic pressure, as well as insecurities related to the potential radicalization to violence of the community,

Highly appreciating the generosity shown by the Government and the people of Bangladesh even under difficult circumstances, by affording temporary shelter, humanitarian assistance and protection to the forcibly displaced Rohingya population,

Deeply concerned over the restrictions on freedom of movement of the persons belonging to the Rohingya Muslim community and other minorities throughout Rakhine State, including the confinement of approximately 120,000 people in camps for internally displaced persons, most of whom without access to livelihoods,

Recalling that in its resolution 34/22 the Human Rights Council established the independent international fact-finding mission, and in its decision 36/115 extended the mandate of the mission, deeply concerned at the lack of cooperation by the Government of Myanmar with, and denial of access to, the fact-finding mission, which hinders independent, fair and credible investigation of allegations of human rights violations and abuses,

1. *Strongly condemns* the alleged systematic and gross violations of human rights and abuses committed in Myanmar, in particular in Rakhine State, notably against persons belonging to the Rohingya Muslim community and other minorities, including women and children;

2. *Condemns* the attacks against Myanmar police and military posts carried out on 25 August 2017 and all acts of violence against the security forces, and stresses that the challenges facing Rakhine State and other areas in Myanmar can be resolved only through peaceful means;

3. *Calls upon* the Government of Myanmar to ensure the protection of the human rights of all persons in Myanmar, including persons belonging to the Rohingya Muslim community and other minorities;

4. *Urges* the Government of Myanmar to take all measures necessary to prevent the destruction of places of worship, cemeteries, infrastructure, and commercial and residential buildings belonging to all people, and to facilitate the rebuilding of those that have already been destroyed;

5. *Calls upon* the Government of Myanmar to take all measures necessary to provide justice to victims, ensure the full accountability of perpetrators and end impunity for all violations and abuses of human rights, including, in particular, those perpetrated against persons belonging to the Rohingya Muslim community and other minorities, by facilitating a full, transparent and independent investigation into the reports of all violations and abuses of human rights and violations of international humanitarian law when applicable;

6. *Expresses grave concern* at consistent allegations of widespread sexual violence, including rape and gang rape, and calls for those allegations to be investigated, for those found responsible to be held to account, and for access by victims of human rights violations, including victims of rape and other forms of sexual violence, killings and other attacks, to long-term health services and psychosocial support to be ensured;

7. *Strongly calls upon* the Government of Myanmar to cooperate fully with the fact-finding mission established by the Human Rights Council in its resolution 34/22 and to grant unfettered access to the fact-finding mission, other human rights mechanisms and the United Nations, and to ensure that individuals have unhindered access to and can

communicate with the United Nations and other human rights entities without facing acts of reprisal, intimidation or attacks or any other type of harassment, or the fear thereof;

8. *Expresses deep concern* that humanitarian access remains severely restricted in northern Rakhine State and unpredictable in other parts of Rakhine State;

9. *Urges*, while noting the initial steps taken by the Government of Myanmar and humanitarian agencies to provide assistance to individuals in Rakhine State, the Government of Myanmar to allow full, immediate, safe, unconditional and unhindered access for the United Nations agencies and other international humanitarian actors, including regional organizations such as the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, to carry out needs assessments and to resume delivery of primary and life-saving humanitarian assistance to all affected persons and communities without discrimination throughout Myanmar, and particularly in Rakhine State, including northern and central Rakhine State;

10. *Highly appreciates* the efforts of the Government of Bangladesh, strongly supported by the international community, to provide safety and assistance for those who have fled violence, and encourages the Government of Bangladesh to continue those efforts until conditions in Myanmar are conducive to the safe, voluntary, sustainable and dignified return of those who have fled violence;

11. *Urges* the Government of Myanmar to immediately address the conditions that lead to mass displacement, including lack of safety and security, to restore food security, access to livelihoods, inclusion and public safety, and to ensure respect for the human rights of the Rohingya population in northern Rakhine State in order to take steps to create an atmosphere conducive to the safe, voluntary, dignified and sustainable return to their places of origin in Myanmar of those who have been forcibly displaced, by ensuring that their human rights, including freedom of movement, will be fully respected and by creating the right conditions for them to return to their homes and resume their livelihood activities and income generation without fear, discrimination or restrictions;

12. *Calls upon* the Government of Myanmar to ensure, in conjunction with international partners and in accordance with international law, the safe, dignified, voluntary and sustainable return to their ancestral land in Myanmar of all displaced Rohingyas, including refugees and internally displaced persons, and to ensure the human rights of those who return;

13. *Also calls upon* the Government of Myanmar to immediately start a process for the expeditious verification of refugees and forcibly displaced persons in a time-bound manner that accommodates many refugees' and forcibly displaced persons' lack of documentation;

14. *Welcomes* the public commitment of the Government of Myanmar to implement the recommendations of the Advisory Commission on Rakhine State to the fullest extent and urges the Government to implement them swiftly and in their entirety, to allow reconciliation in Rakhine State and to commence a process of inclusive development meaningful for all communities, and notes the establishment of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine;

15. *Calls upon* the international community and regional organizations to provide support, including humanitarian and development assistance, to the Government of Myanmar for the implementation of the recommendations of the Advisory Commission on Rakhine State, including recommendations regarding an inclusive and transparent citizenship verification process, the provision of documentation for non-citizens and their equal access to essential social services, including education, health care and freedom of movement, and on finding sustainable solutions in building intercommunal harmony towards lasting peace, stability and prosperity for the benefit of the whole population, and calls upon the Government of Myanmar to provide unhindered access for such humanitarian assistance;

16. *Encourages* the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to the forcibly displaced Rohingya Muslims and other minorities until their

return to their places of origin in Myanmar and to assist Myanmar in the provision of humanitarian assistance to affected persons of all communities displaced internally within Rakhine State, taking particular account of the vulnerable position of women and children;

17. *Calls upon* the Government of Myanmar to address the root causes of the Rohingya crisis, including by addressing the issue of the statelessness of the Rohingya population by ensuring their equal access to full citizenship and related rights, including civil and political rights, and, to those ends, to amend the 1982 Citizenship Law to ensure its conformity with universally recognized principles and to restore the citizenship of the Rohingya population through an open, fast, voluntary and transparent process of national verification based on past census and other data that leaves no individual unregistered nor hinders their access to essential social services, including education and health care, and, in the event of any dispute, involving independent national and international observers for transparency and accountability;

18. *Also calls upon* the Government of Myanmar to take all measures necessary, while fully respecting human rights and fundamental freedoms, to counter any incitement to hatred or violence by publicly condemning such acts and holding those who conduct such acts accountable under criminal law, and acknowledges the Government's efforts to promote interfaith dialogue in the country;

19. *Encourages* further efforts to promote intercommunal interfaith dialogue in order to de-escalate tension and foster peaceful coexistence among all ethnic and religious groups in Myanmar;

20. *Calls upon* the Government of Myanmar to cooperate with and assist the relevant special procedure mandate holders in the discharge of their respective mandates, to provide them with all necessary information requested by them and to give serious consideration to responding favourably to their requests to visit the country in order to enable them to fulfil their duties effectively in the context of the human rights situation of the Rohingya population;

21. *Requests* the United Nations High Commissioner for Human Rights to track progress concerning the human rights situation of Rohingya people, and to provide oral updates, followed by an interactive dialogue, at the thirty-eighth, forty-first and forty-fourth sessions of the Human Rights Council, with a view to reaching a comprehensive solution of the crisis within three years through the full implementation of the present resolution and Council resolution 34/22;

22. *Also requests* the High Commissioner to prepare a comprehensive written report on the situation, including on the level of cooperation and access given to the fact-finding mission and other United Nations human rights mechanisms, the implementation of the present resolution, the findings and recommendations of the United Nations system on the situation of human rights of Rohingya people in Rakhine State and recommendations on a future course of action, to present the report to the Human Rights Council at its fortieth session, and to submit the report to the General Assembly for its consideration;

23. *Decides* to remain seized of the matter.

2nd meeting
5 December 2017

[Adopted by a recorded vote of 33 to 3, with 9 abstentions. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, Egypt, El Salvador, Georgia, Germany, Ghana, Hungary, Indonesia, Iraq, Kyrgyzstan, Latvia, Netherlands, Nigeria, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Philippines

Abstaining:

Congo, Ecuador, Ethiopia, India, Japan, Kenya, Mongolia, South Africa, Venezuela (Bolivarian Republic of)]

IV. Thirty-seventh session

A. Resolutions

37/1. The deteriorating situation of human rights in Eastern Ghouta, in the Syrian Arab Republic

The Human Rights Council,

Having held an urgent debate to discuss the deteriorating situation of human rights in Eastern Ghouta, in the Syrian Arab Republic, which is currently under siege by the Syrian authorities,

Recalling the principles of the Charter of the United Nations and all relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, the most recent of which were Human Rights Council resolution 36/20 of 29 September 2017, General Assembly resolution 72/191 of 19 December 2017 and Security Council resolutions 2393 (2017) of 19 December 2017 and 2401 (2018) of 24 February 2018,

Recalling also the statement of the Secretary-General to the Human Rights Council, on 26 February 2018, including his clear position that Security Council resolution 2401 (2018) must be immediately implemented and sustained, in particular, to ensure the immediate, safe, unimpeded and sustained delivery of humanitarian assistance, the evacuation of the critically sick and wounded, and the alleviation of the suffering of the Syrian people, as well as his reiteration that all parties have obligations in international humanitarian law regarding the protection of civilians and civilian infrastructure,

Recalling further the press release of the United Nations High Commissioner for Human Rights of 21 February 2018 and his statement to the Human Rights Council on 26 February, in which he expressed alarm at the escalation of continued hostilities in Eastern Ghouta and called for an immediate cessation of hostilities, and stressed the imperative of granting immediate humanitarian access and ensuring swift facilitation of evacuations of the sick and wounded, as well as civilians wishing to leave, adding that any political agreement regarding Eastern Ghouta must be in conformity with international human rights law and international humanitarian law, and that no forced displacement of civilians should take place as a result of such a political agreement,

Emphasizing the need for accountability for human rights violations and abuses and violations of international humanitarian law committed by all parties to the armed conflict in the Syrian Arab Republic, and underlining in this respect the important role of the Independent International Commission of Inquiry on the Syrian Arab Republic and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

1. *Strongly condemns* all violations of international humanitarian law and all violations and abuses of human rights and fundamental freedoms in the Syrian Arab Republic;

2. *Also strongly condemns* the sustained denial of humanitarian access, the repeated attacks against medical facilities and civilian infrastructure, in contravention of international humanitarian law, the indiscriminate use of heavy weapons and aerial bombardments against civilians and the alleged use of chemical weapons in Eastern Ghouta;

3. *Welcomes* Security Council resolution 2401 (2018), in which the Council demanded that all parties to the conflict cease hostilities without delay for at least 30 consecutive days to enable the safe, unimpeded and sustained delivery of humanitarian assistance and medical evacuations of the critically sick and wounded, in accordance with applicable international law, and calls for its full and immediate implementation by all parties to the conflict;

4. *Calls upon* all parties, in particular the Syrian authorities, to meet their responsibility to protect the Syrian population and to end immediately all attacks against civilians in Eastern Ghouta, while the growing number of civilian casualties in Damascus are also of concern, as delays in the implementation of the ceasefire cause more suffering on all sides;

5. *Stresses* the need to ensure accountability for those responsible for violations and abuses of international human rights law and violations of international humanitarian law in Eastern Ghouta, and also stresses that those responsible for violations and abuses of international human rights law and serious violations of international humanitarian law in all areas of the Syrian Arab Republic must be held to account;

6. *Demands* that all parties, particularly the Syrian authorities, allow safe, unimpeded and sustained access by the United Nations, their implementing partners and humanitarian operators to all people in need, including immediate access for aid deliveries and medical evacuations to and from Eastern Ghouta, and the protection of medical and other humanitarian personnel, facilities and transport;

7. *Requests* the Independent International Commission of Inquiry on the Syrian Arab Republic, upon renewal of its mandate, to urgently conduct a comprehensive and independent inquiry into the recent events in Eastern Ghouta, and to provide an update followed by an interactive dialogue on the situation to the Human Rights Council at its thirty-eighth session;

8. *Decides* to remain seized of the matter and to take further action on the situation of human rights in the Syrian Arab Republic.

16th meeting
5 March 2018

[Adopted by a recorded vote of 29 to 4, with 14 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, South Africa]

37/2. The right to privacy in the digital age

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of

Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the right to privacy in the digital age,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to privacy for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 28/16 of 26 March 2015;

2. *Calls upon* all States to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

3. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

5. *Decides* to continue its consideration of the matter under the same agenda item.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/3. Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012, 25/4 of 27 March 2014 and 31/2 of 23 March 2016, and previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Underlining that all States must ensure that their obligations and commitments under international law, including international and regional human rights instruments to which they are party, are applied to any person kept in detention facilities under their jurisdiction, including when those facilities are situated abroad,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

1. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

2. *Notes with concern* certain practices that are applied to persons in detention in violation of human rights and the rule of law, such as detention without a legal basis, contrary to the principle of habeas corpus, the deprivation of due process of law, of access to legal counsel and/or of an opportunity to challenge the legality of their detention before a court that is a part of the general judicial system, and calls upon States to respect judicial guarantees as provided for in international law, including international human rights law and humanitarian law, as applicable;

3. *Reiterates* that, as provided for in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

4. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

5. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

6. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

7. *Calls upon* States to ensure that the principle of equality before the courts and before the law is respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

8. *Stresses* that no one shall be held in secret detention, and urges States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by courts and tribunals that are an integral part of the general judicial system, acting in compliance with international due process and fair trial standards;

9. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or

other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

10. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

11. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

12. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system, operate in accordance with applicable fair trial guarantees, and apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

13. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

14. *Also stresses* that independent and effective national human rights institutions can and should play a role in strengthening the rule of law and in supporting the independence and integrity of the judicial system;

15. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, special procedures, treaty bodies, non-governmental organizations and other relevant stakeholders, to prepare and submit to the Human Rights Council at its forty-third session a comprehensive study on the implications of the lack of integrity of the judicial system for human rights, in particular for persons kept in detention facilities outside the territory of States;

16. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

17. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

53rd meeting
22 March 2018

[Adopted by a recorded vote of 23 to 2, with 22 abstentions. The voting was as follows:

In favour:

Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Kenya, Kyrgyzstan, Mexico, Nepal, Pakistan, Panama, Peru, Philippines, Rwanda, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Georgia, United States of America

Abstaining:

Afghanistan, Australia, Belgium, Croatia, Democratic Republic of the Congo, Germany, Hungary, iraq, Japan, Mongolia, Nigeria, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland]

37/4. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 31/9 of 23 March 2016 and 34/9 of 23 March 2017,

Recalling further General Assembly resolution 70/1 of 25 September 2015 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and emphasizing the need, in ensuring housing affordability, to develop strategies that take into account women's economic conditions and status, including as a result of gender wage gaps,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted at major United Nations conferences and summits and at special sessions of the General Assembly and their follow-up meetings, inter alia, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III),

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption and nearly universal ratification of the Paris Agreement under the United Nations Framework Convention on Climate Change, and calling upon States to continue its implementation, as applicable,

Expressing deep concern at the number and scale of natural disasters and their negative impact on the right to adequate housing, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[9]

Concerned that the right to adequate housing is not realized for many throughout the world and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned that inadequate housing, homelessness and forced eviction disproportionately affect women, children and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing the importance of housing to dignity and equal rights for persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, from the inaccessible design of buildings to barriers to finance or discriminatory tenant selection and various forms of stigmatization, and acknowledging in particular that persons with disabilities are at a greater risk of violence within and outside of their homes simply because of their disability,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions, and takes note of her reports;

2. *Calls upon* States:

(a) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(b) To give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the implementation of the New Urban Agenda;

[9] A/HRC/25/54.

(c) To take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-, age- and disability-responsive and based on international human rights law;

(d) To take measures necessary to curb factors that result in a lack of affordable housing, such as housing speculation and the "financialization of housing",[10] and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

(e) To ensure that the principles of equality and non-discrimination are respected when fulfilling the right to adequate housing, and in this respect to take measures to the maximum of available resources to address systemic homelessness and deprivation of housing, which disproportionately affects persons with disabilities, and to strive towards the full realization of the right to adequate housing for all, including for persons with disabilities;

(f) To take steps necessary to ensure women's equal right to adequate housing in all aspects of housing strategies by, inter alia, addressing women's distinct housing experiences, including discrimination, violence against women and the disproportionate impact on women of forced evictions, inadequate water and sanitation services and pervasive poverty, and by undertaking legislative and other reforms to realize the equal rights of women and men, as well as girls and boys where applicable, to access economic and productive resources, including land and natural resources, and property and inheritance rights;

3. *Requests* the Special Rapporteur, in fulfilling her mandate, to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goals 1 and 11, and the New Urban Agenda, taking into account the need for an integrated approach to the implementation of the 2030 Agenda for sustainable development, and to undertake thematic research with a view to advise States, intergovernmental organizations, civil society and other stakeholders on how to effectively respect, protect and fulfil the right to adequate housing, and non-discrimination in this context;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of her mandate and to respond favourably to her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations;

6. *Decides* to continue its consideration of this matter under the same agenda item.

53rd meeting
22 March 2018

[Adopted without a vote.]

[10] See A/HRC/34/51.

37/5. Mandate of the Independent Expert on the enjoyment of human rights by persons with albinism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming that everyone has the right to life, liberty and security of person and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with albinism to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on a Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the Vienna Declaration and Programme of Action,

Recalling the rights of everyone to the highest attainable standard of physical and mental health and education as enshrined in the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights treaties,

Deeply concerned that, in various parts of the world, persons with albinism continue to face barriers to their participation as equal members of society and face violations and abuse of their human rights, and conscious that greater and more urgent attention is needed to address these challenges,

Expressing grave concern at the fact that attacks and widespread violence perpetuated against persons with albinism, including women and children, persons with disabilities and the elderly continue,

Welcoming all the initiatives and actions taken by all Member States to address and combat all forms of violence and discrimination against persons with albinism,

Welcoming also in this regard the ongoing work to address witchcraft-related harmful practices as one of the root causes of human rights violations and abuses perpetuated against persons with albinism, and to engage with stakeholders and carry out analytical studies in order to enable States to take effective action,

Inviting States to effectively implement the 2030 Agenda for Sustainable Development and its principle of leaving no one behind, which requires the prioritization of those furthest behind, including the enjoyment of all human rights by persons with albinism,

Calling upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims and family members have access to appropriate remedies,

Welcoming the regional consultations conducted by the Independent Expert on the enjoyment of human rights by persons with albinism with relevant stakeholders in various regions, including Africa, and culminating in the development of a regional action plan to end violations against persons with albinism,

Welcoming also the recent work of the Independent Expert in preparing analytical studies and holding discussions on harmful practices relating to witchcraft as a particular risk to persons with albinism in some countries and as one of the root causes of attacks perpetrated against them,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the enjoyment of human rights by persons with albinism,

1. *Commends* the Independent Expert on the enjoyment of human rights by persons with albinism for the important work undertaken to end attacks on and to spread awareness about persons with albinism;

2. *Takes note with appreciation* of the thematic report of the Independent Expert,[11] which deals, in particular, with attacks and human rights violations in countries where certain harmful practices, including witchcraft-related practices, have served as one of the root causes of attacks, and in this regard welcomes the Regional Action Plan on Albinism in Africa (2017–2021) to end attacks in Africa;

3. *Decides* to extend the mandate of the Independent Expert on the enjoyment of human rights by persons with albinism, for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 28/6 of 26 March 2015;

4. *Requests* the Independent Expert to integrate a gender perspective throughout the work of the mandate and to pay specific attention to the challenges and needs of women and girls in order to address the multiple, intersecting and aggravated forms of discrimination faced by women and girls with albinism;

5. *Calls upon* all States to cooperate fully with the Independent Expert and to respond favourably to her requests to visit their countries and to ensure follow-up on her recommendations, to provide her with all necessary information relating to the mandate and to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

6. *Encourages* the United Nations, including its specialized agencies, and regional organizations, national human rights institutions, independent experts, non-governmental organizations, the private sector, in particular social enterprises, and other relevant stakeholders to cooperate to the fullest extent possible with the Independent Expert in the fulfilment of her mandate;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human and financial resources necessary for the effective fulfilment of her mandate;

8. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/6. The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

[11] A/HRC/37/57.

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolutions 7/11 of 27 March 2008, 19/20 of 23 March 2012, 25/8 of 27 March 2014 and 31/14 of 23 March 2016, all other resolutions relevant to the role of good governance in the promotion of human rights, and the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Welcoming also the commitments made by all States in the 2005 World Summit Outcome[12] to make the fight against corruption a priority at all levels,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, and in this context reaffirming the Millennium Declaration, the 2005 World Summit Outcome, the outcome of the 2010 High-level Summit on the Millennium Development Goals and the 2030 Agenda for Sustainable Development,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations,

Recognizing also that good governance and the fight against corruption have a central role in the promotion and protection of human rights and in the elimination of obstacles to development,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating sustainable, effective, accountable and transparent institutions to achieve the full enjoyment of human rights,

Recognizing that effective anti-corruption measures and the protection of human rights, including by strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcomes of the third, fourth, fifth, sixth and seventh sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, in Marrakech, Morocco in 2011, in Panama City in 2013, in Saint Petersburg, Russian Federation in 2015, and in Vienna in 2017,

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights on the one hand, and of anti-corruption initiatives on the other,

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[12] General Assembly resolution 60/1.

Stressing also the importance of developing and implementing national legislation on the promotion of access to information, of establishing active, free and meaningful participation and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his or her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants and the promotion of a human rights culture within the public service play a vital role in promoting respect for and the realization of human rights in society,

Recognizing further that meaningful progress towards good governance can better be achieved with appropriate tools or mechanisms to review, measure and assess such progress,

Welcoming the contribution of the United Nations Public Service Awards programme, which recognizes excellence in public service to the promotion of the role, professionalism and visibility of public service, and noting its review to align it with the 2030 Agenda for Sustainable Development,

Welcoming also the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, including the right to development, on effective rule of law and good governance at all levels, and on transparent, effective and accountable institutions,

Recalling that the 2030 Agenda and the Sustainable Development Goals and targets contained therein, including their means of implementation, are universal, indivisible and interlinked,

Emphasizing the importance to Member States of the Sustainable Development Goals, recalling that Goal 16 is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and acknowledging that efforts to implement the United Nations Convention against Corruption also contribute to the achievement of that goal,

Taking into account the ongoing work of the United Nations system and other relevant international and regional organizations relating to the role of good governance in the promotion and protection of human rights,

1. *Welcomes* the holding by the Human Rights Council, at its thirtieth session, of a panel discussion on a human rights-based approach to good governance in the public service and the summary report thereon;[13]

2. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the activities and programmes of the United Nations system contributing to the role of good governance in the promotion and protection of human rights;[14]

3. *Recognizes* that international human rights law provides a set of standards to guide governing processes and to assess performance outcomes, and in this regard stresses that good governance is necessary for establishing and maintaining an environment conducive to the promotion and protection of human rights;

[13] A/HRC/31/28.
[14] A/HRC/34/28.

4. *Welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, encourages States that have not yet ratified this important international instrument to consider doing so, and encourages States parties to the Convention to promote its effective implementation;

5. *Also welcomes* the commitments made by all States in the 2030 Agenda for Sustainable Development to good governance in the promotion and protection of human rights, including in Sustainable Development Goal 16;

6. *Urges* States to increase their efforts and to take measures to prevent and combat corruption in all its forms and at all levels, and thereby contributing to the achievement of the Sustainable Development Goals, including Goal 16;

7. *Underlines* that the primary responsibility lies with States at the national level, including through their constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability, participation, inclusivity and combating corruption, and stresses the importance of human rights training and education in this regard;

8. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

9. *Encourages* the relevant mechanisms of the Human Rights Council to continue to consider, within their respective mandates, the issue of the role of good governance in the promotion and protection of human rights;

10. *Encourages* States to consider developing and implementing appropriate tools or mechanisms to review, measure and assess progress in good governance, including but not limited to the Sustainable Development Goals, including Goal 16;

11. *Requests* the High Commissioner:

(a) To convene, before the forty-first session of the Human Rights Council, a half-day intersessional seminar on the role of good governance in the promotion and protection of human rights, and on sharing best practices in the implementation of the Sustainable Development Goals, including Goal 16 in this regard;

(b) To invite States, the special procedures and other relevant stakeholders from diverse regions, including experts and civil society organizations, and relevant United Nations agencies, funds and programmes and other international organizations to participate actively in the above-mentioned seminar;

(c) To submit to the Human Rights Council at its forty-third session a report, in the form of a summary, on the seminar;

12. *Decides* to remain seized of the matter.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/7. Promoting human rights and the Sustainable Development Goals through transparent, accountable and efficient public services delivery

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the importance of the United Nations Convention against Corruption,

Recalling all relevant United Nations resolutions, including Human Rights Council resolutions on good governance and corruption,

Recalling also resolution 6/8 entitled "Prevention of corruption by promoting transparent, accountable, and efficient public service delivery through the application of best practices and technological innovations" adopted by the Conference of States Parties to the United Nations Convention against Corruption at its sixth session,

Recalling further General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including Sustainable Development Goal 16, which encourages Member States to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

Recalling General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Noting the importance of multilateral platforms and public-private partnership mechanisms that foster good governance policies and the implementation of the Sustainable Development Goals, such as the Open Government Partnership, which aims to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance,

Recalling the report of the United Nations High Commissioner for Human Rights on the role of public service as an essential component of good governance in the promotion and protection of human rights,[15]

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence, integrity, accessibility and non-discrimination is one of the essential components of good governance,

Recalling article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights, according to which every citizen has a right to have access, on general terms of equality, to public service in his or her country, without unreasonable restrictions or distinctions of any kind mentioned in article 2 of the Covenant,

Acknowledging that the promotion and protection of human rights and the 2030 Agenda for Sustainable Development are complementary and mutually reinforcing,

Concerned about the negative impact of widespread corruption on the enjoyment of human rights, and recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights and fundamental freedoms,

Acknowledging that non-discriminatory, efficient, accessible, accountable and transparent public services delivery consistent with citizens' needs and feedback is one of the key components in building an anti-corruption environment in the public sector and contributes to the promotion and protection of human rights and the implementation of 2030 Agenda,

Underlining that the increased application of technological innovations and electronic services in public services delivery can play an important role in reducing corruption by promoting transparency and accountability and can improve the environment and tools necessary to foster public access to information on preventing and combating corruption,

[15] A/HRC/25/27

Stressing in that regard the important role of Governments in the effective use of information and communications technology in the design of public policies and in the provision of public services responsive to national needs and priorities, including on the basis of a multi-stakeholder approach, to support national development efforts as stipulated by the General Assembly in its resolution 69/204 of 19 December 2014 entitled "Information and communications technologies for development",

Acknowledging the important role that civil society and other stakeholders can play in the design, delivery and promotion of transparent, accountable and efficient delivery of public services,

Stressing the need to incorporate transparent, accountable and efficient public services delivery models into local, national and regional development plans,

Highlighting the significance of access to relevant information as one of the key components of efficiency in the delivery of public services, and emphasizing the importance of respecting, promoting and protecting the freedom of expression, as stipulated in article 19 of the International Covenant on Civil and Political Rights, including the freedom to seek, receive and impart information,

Noting that everyone, including those residing in remote areas of a country, should have access to simple and consumer-oriented public services delivery, as appropriate, including through the availability of online and mobility services, as well as e-applications,

Recognizing the importance of quality control of the delivery of public services on an ongoing basis with a view to ensuring accountability,

Acknowledging the need for the voluntary exchange of relevant information, experience, knowhow and technology on mutually agreed terms and at all levels on successful national practices in the efficient, transparent and accountable delivery of public services,

Noting the importance that multi-sectoral regional and national centres of public excellence can have in deliberating on public service innovation trends and applications, enhance evidence-based institutions and peer-to-peer learning,

1. *Recognizes* the important role of the Government, as service provider, and of all other stakeholders, including the private sector and civil society, in the promotion and protection of all human rights and, as appropriate, in the implementation of the Sustainable Development Goals and the Addis Ababa Action Agenda;

2. *Notes with appreciation* the application of innovative approaches, in particular the use of science and technological innovation by States, in the delivery of public services, ensuring the fullest access by all to public services and seeking to minimize risks of corruption;

3. *Stresses* the importance of efficiency, accountability and non-discrimination in the delivery of public services, and in this regard encourages efforts, with the participation of all relevant stakeholders, to strengthen the capacity of national statistical offices and data systems;

4. *Encourages* States with effective models for the delivery of public services to share their best practices with other States, especially with developing States, through bilateral, regional and multilateral cooperation frameworks, and calls upon all States to establish, taking into account best practices from other States, as appropriate, a transparent, accountable and efficient public service system;

5. *Welcomes* the initiatives of States to promote the delivery of public services as an aspect of the topic of human rights and good governance by organizing regional and international events;

6. *Encourages* international cooperation and national efforts, including by strengthening capacity-building and the training of public servants, to cover such areas as human rights, the rule of law and good governance within the public service, and the provision of technical assistance, such as the voluntary exchange of knowhow and technology on mutually agreed terms;

7. *Underlines* the important role of the United Nations Public Service Awards as the most prominent international recognition of excellence in public service within the United Nations system in identifying and promoting innovations and new concepts in public administration that minimize the risks for corruption, and encourages United Nations entities and other international organizations to continue to promote and reward such initiatives and their replication;

8. *Notes with appreciation* United Nations Public Service Day, held on 23 June to celebrate the value and virtue of public service to the community, highlights the contribution of public service in the development process, recognizes the work of public servants, encourages young people to pursue careers in the public sector, and encourages States to organize special events on that occasion;

9. *Invites* the United Nations High Commissioner for Human Rights to mark United Nations Public Service Day at every June session of the Human Rights Council with a view to raise awareness about the human rights dimension of public services delivery.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/8. Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the most recent of which is resolution 34/20 of 24 March 2017, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling its resolutions 5/1, on institution-building of Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling further the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document entitled "The future we want",[16] which reaffirmed the principles of the Rio Declaration on Environment and Development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the outcomes of the third session of the United Nations Environment Assembly, and looking forward to the fourth session, to be held in Nairobi from 11 to 15 March 2019,

Recalling also the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, in which the parties acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

[16] General Assembly resolution 66/288, annex.

Taking note of the outcomes of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, and encouraging States to consider, among other aspects, respect for and the promotion of human rights at the twenty-fourth session, to be held in Katowice, Poland from 3 to 14 December 2018,

Recognizing that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing also that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations,

Recognizing that the exercise of human rights, including the freedom to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and the right to an effective remedy, is vital to the protection of a clean, healthy, safe and sustainable environment,

Recognizing also the important role played by human rights defenders in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, and deeply concerned that human rights defenders addressing environmental issues and corporate responsibility are among the human rights defenders most exposed and at risk,

Recognizing further the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in safeguarding the environment,

Recognizing the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child,

Reaffirming that States have the obligation to respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,[17] and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

Noting that more than 100 States have recognized some form of a right to a healthy environment in, inter alia, international agreements, their constitutions, legislation or policies,

1. *Welcomes* the work undertaken by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, his thematic reports, and the undertaking of regional country visits;

2. *Takes note with appreciation* of the report of the Special Rapporteur on the relationship between children's rights and environmental protection,[18] in which he

[17] A/HRC/37/59, annex.

[18] A/HRC/37/58.

examined the increasing international attention to the relationship between children's rights and the environment, the severe effects of environmental harm on the rights of children, human rights obligations relating to children's rights in the environmental context, the relationship of future generations and children's rights, and makes recommendations aimed at increasing respect, protection and fulfilment of the rights of children in relation to the environment;

3. *Also takes note with appreciation* of the report of the Special Rapporteur, in which he presented his framework principles on human rights and the environment for the consideration of States, international organizations, civil society organizations and business enterprises,[19] and calls upon States to implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

4. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

5. *Also welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur and in helping to clarify the relationship between human rights and the environment, and contributing to the implementation of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

6. *Decides* to renew the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

7. *Requests* the Special Rapporteur, in fulfilling the mandate:

(a) To continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions;

(b) To continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard to disseminate and consider updating documents elaborated by the previous mandate holder, as appropriate;

(c) To promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, taking into account the reports and documents produced by the previous mandate holder, and to disseminate his or her findings by, inter alia, continuing to give particular emphasis to practical solutions with regard to their implementation;

(d) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development;

(e) To continue to contribute to and participate in, where appropriate, intergovernmental conferences and meetings relevant to the mandate, including at the United Nations Environment Assembly;

(f) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

[19] A/HRC/37/59.

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment;

(i) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies, funds and programmes, including the United Nations Environment Programme and the United Nations Development Programme, the treaty bodies and international and regional organizations, and multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(j) To submit an annual report, including conclusions and recommendations, to the Human Rights Council and to the General Assembly;

8. *Calls upon* all States, United Nations agencies, funds and programmes, other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information related to the mandate to enable him or her to fulfil the mandate;

9. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

10. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, prior to the forty-third session of the Human Rights Council, an expert seminar on experience and best practices of States at the national and regional levels with regard to human rights obligations relating to the environment, and on the contribution of relevant actors, including the Special Rapporteur, in this regard;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations and treaty bodies, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its forty-third session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

11. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

12. *Decides* to remain seized of the matter, in accordance with its annual programme of work.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/9. Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

Recalling further Human Rights Council resolution 34/10 of 23 March 2017, and other resolutions adopted by the Council, the General Assembly and the Commission on Human Rights on the freedom of religion or belief or the elimination of all forms of intolerance and of discrimination based on religion or belief,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Noting with appreciation the conclusions and recommendations of the expert workshops organized by the Office of the United Nations High Commissioner for Human Rights and contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, adopted in Rabat, Morocco on 5 October 2012,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals, including persons belonging to religious communities and religious minorities around the world,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom, either alone or in community with others and in public or private, and to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief, and at instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals, including persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of individuals on the basis of their religion or belief;

(d) Instances that, both in law and in practice, constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights and other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction;

(f) Attacks on religious places, sites and shrines and vandalism of cemeteries, in violation of international law, in particular international human rights law and international humanitarian law;

4. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Also condemns* violence and acts of terrorism, which are increasing in number and targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences for the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

7. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Strongly encourages* government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief;

9. *Urges* States to step up their efforts to promote and protect freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all, without distinction, by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief, or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To implement all accepted universal periodic review recommendations relating to the promotion and protection of freedom of religion or belief;

(c) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, on that account, and to bring to justice all perpetrators of violations of these rights;

(d) To end violations of the human rights of women, and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(e) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all individuals to manifest their religion or belief, either alone or in community with others and in public or private;

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief, and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(h) To ensure in particular the right of all individuals to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all individuals to seek, receive and impart information and ideas in these areas;

(i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all individuals, including persons belonging to religious minorities, to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(k) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, and any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to persons belonging to religious minorities in all parts of the world;

(l) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among individuals of, and within, different religions and beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note with appreciation of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including civil society organizations, religious communities, national human rights institutions, the media and other actors to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices against and stereotypes of individuals on the basis of their religion or belief;

13. *Takes note* of the thematic report presented by the Special Rapporteur,[20] in which he analysed the relationships between State and religion and their impact on the right to freedom of religion or belief, and the recommendations therein;

14. *Also takes note* of the work of the Special Rapporteur, and concludes that there is a need for the continued contribution of the Special Rapporteur to the promotion, protection and universal implementation of the right to freedom of religion or belief;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit their countries, and to provide him with all the information necessary to enable him to fulfil the mandate even more effectively;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of the mandate;

17. *Requests* the Special Rapporteur to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

18. *Decides* to remain seized of this question under the same agenda item and to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/10. The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening world food crisis on the realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for his or her health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition, the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action, adopted at the World Food Summit in November 1996, the Declaration of the World Food Summit: five years later, adopted on 13 June 2002, and the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming the importance of the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food

[20] A/HRC/37/49.

in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, and the Rome Declaration on Nutrition and its Framework for Action, adopted at the second International Conference on Nutrition, in Rome on 21 November 2014,

Acknowledging that the right to food has been recognized as the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and nutritious food, in conformity with, inter alia, the culture, beliefs, traditions, dietary habits and preferences of individuals, and that is produced and consumed sustainably, thereby preserving access to food for future generations,

Reaffirming the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming further that a peaceful, stable and enabling political, social and economic environment at both the national and international levels is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in the realization of the right to food by an increased and sustained effort of international cooperation and solidarity, with a view to building a community of shared future for humanity,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, and the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Reaffirming that food security is a national responsibility, and that any plan for addressing food security challenges must be nationally articulated, designed, owned and led, and built on consultation with all key stakeholders, and recognizing the commitment to strengthening the multilateral system in the channelling of resources and in the promotion of policies dedicated to fighting hunger and malnutrition,

Recognizing that, despite the efforts made and the fact that some positive results have been achieved, the problems of hunger, food insecurity and malnutrition have a global dimension and that there has not been sufficient progress in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of food insecurity and its likely recurrence owing to a combination of several major factors, such as the effects of the global financial and economic crisis, environmental degradation, desertification and the impact of global climate change, as well as poverty, natural disasters, armed conflicts, drought, volatility in commodity prices and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

Recognizing further the need to urgently assist some African countries that are facing drought, starvation and famine threats that could affect millions of people, most of whom are women and children, who risk losing their lives,

Resolved to act to ensure that the promotion, protection and fulfilment of all human rights is taken into account at the national, regional and international levels in measures to address the realization of the right to food,

Expressing its deep concern at the number and scale of human-made and natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have, in combination with other factors, resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Stressing the need to increase official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance, and recognizing that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

Recognizing the need to increase sustainable private and public investments in agriculture from all relevant sources for the realization of the right to food,

Recalling the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

Recalling also the Principles for Responsible Investment in Agriculture and Food Systems, which were endorsed by the Committee on World Food Security at its forty-first session, held in October 2014,

Stressing the importance of the second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, at which the two main outcome documents, namely, the Rome Declaration on Nutrition and the Framework for Action, were endorsed,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", endorsed by the General Assembly in its resolution 66/288 on 27 July 2012, and reaffirming the principles contained therein,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity, and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers* it intolerable that, as estimated by the United Nations Children's Fund, nearly half of all deaths of children under the age of 5 are attributable to undernutrition, translating into the loss of about 3 million young lives a year and that, as estimated by the Food and Agriculture Organization of the United Nations, about 815 million people in the world suffer from chronic hunger owing to the lack of sufficient food for the conduct of an active and healthy life, including as one of the effects derived from

food insecurity, while, according to the Organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2017*, the number of hungry people in the world is unacceptably on the rise and the vast majority of hungry people live in developing countries;

5. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing developing countries, especially least developed countries;

6. *Expresses its great concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular where such inequality and discrimination contribute to the malnutrition of women and girls, including by taking measures to ensure the full and equal realization of the right to food and ensuring that women and girls have equal access to social protection and resources, including income, land and water, and their ownership, and full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and to strengthen their role in decision-making;

8. *Recognizes* the importance of smallholder and subsistence farmers and peasants in developing countries, including women and local and indigenous communities, in ensuring food security, reducing poverty and preserving ecosystems, and the need to assist their development;

9. *Encourages* the Special Rapporteur on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective in their relevant policies, programmes and activities regarding access to food;

10. *Reaffirms* the need to ensure that programmes delivering safe, sufficient, nutritious and culturally accepted food are inclusive and accessible to persons with disabilities;

11. *Encourages* States to take steps with a view to progressively achieving the full realization of the right to food for all, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and, where appropriate, to consider establishing appropriate institutional mechanisms and adopting national plans to combat hunger;

12. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

13. *Also recognizes* the importance of traditional sustainable agricultural practices, inter alia, traditional seed supply systems, including for many indigenous peoples and local communities;

14. *Stresses* that the primary responsibility of States is to promote and protect the right to food, and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional

efforts by providing the assistance necessary to increase food production and access to food, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, achieving food security, with special attention to the specific needs of women and girls, and promoting support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and to ensure support for the establishment of secure land tenure systems;

15. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

16. *Recognizes* that 70 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and the empowerment of small producers, particularly women, in value chains, is a key element for food security and the right to food;

17. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

18. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges to the full enjoyment of the right to food that indigenous peoples face, and calls upon States to take actions to address those obstacles and challenges and the continuous discrimination against indigenous peoples;

19. *Welcomes* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[21] held on 22 and 23 September 2014, and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

20. *Requests* all States, private actors, international organizations and agencies, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all;

21. *Recognizes* the need to strengthen national commitments and international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

[21] General Assembly resolution 69/2.

22. *Notes with appreciation* the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

23. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

24. *Calls for* successful, development-oriented outcomes of the trade negotiations held by the World Trade Organization, including on the remaining issues of the Doha Development Round, as a contribution to the creation of international conditions permitting the full realization of the right to food;

25. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

26. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

27. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

28. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions and relevant United Nations agencies, funds and programmes to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Sustainable Development Goal 2 and other food- and nutrition-related targets;

29. *Reaffirms* that integrating food and nutritional support with the goal of ensuring that all people at all times have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

30. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

31. *Stresses* the importance of international cooperation and development assistance as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each State has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

32. *Calls upon* States to heed the urgent United Nations humanitarian appeal to assist countries facing drought, starvation and famine with emergency aid and urgent funding, and underlines that if no immediate response is received, an estimated 20 million people, most of whom are women and children, risk losing their lives;

33. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

34. *Encourages* the Special Rapporteur to continue her collaboration with relevant international organizations and United Nations agencies, funds and programmes, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

35. *Takes note* of the report of the Special Rapporteur;[22]

36. *Supports* the fulfillment of the mandate of the Special Rapporteur, as established by the Human Rights Council in its resolution 6/2 of 27 September 2007;

37. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

38. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task by supplying all necessary information requested by the mandate holder, and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

39. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, and the private sector to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

40. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its fortieth session;

41. *Decides* to continue consideration of this matter under the same agenda item at its fortieth session.

53rd meeting
22 March 2018

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Australia, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

United States of America]

[22] A/HRC/37/61

37/11. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, the latest being Council resolution 34/3 of 23 March 2017,

Reaffirming also its resolution 34/11 of 23 March 2017,

Reaffirming further its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the primacy of the means of implementation for the 2030 Agenda for Sustainable Development, and in this regard underlining the fundamental principles of international cooperation, which are pivotal for the practical achievement of the Sustainable Development Goals,

Stressing also the determination expressed in the 2030 Agenda to assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and to address the external debt of highly indebted poor countries to reduce debt distress,

Recognizing the commitments made in the Addis Ababa Action Agenda, and noting that, despite international debt relief efforts, many countries remain vulnerable to debt crisis and some are in the midst of a crisis, including a number of least developed countries and small island developing States and some developed countries,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing and some developed countries, excessive debt servicing has severely constrained their capacity to promote social development and provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Recalling the Basic Principles on Sovereign Debt Restructuring Processes, which emphasize that sovereign debt restructuring workouts should be completed in a timely and efficient manner and lead to a stable debt situation in the debtor State, minimizing economic and social costs, warranting the stability of the international financial system and respecting human rights,

Recognizing the sovereign right of any State to restructure its sovereign debt, which should not be frustrated or impeded by any measure emanating from another State,

Recognizing also that illicit financial flows, including tax evasion by high net-worth individuals, commercial tax evasion through trade misinvoicing and tax avoidance by transnational corporations, contribute to the build-up of unsustainable debt, as Governments lacking domestic revenue may resort to external borrowing,

Emphasizing that inequality continues to increase, and that it often contributes to social exclusion and the marginalization of certain groups and individuals,

Recognizing the severe human rights impact of the recent financial crisis and that human rights have not always being taken into account in the development of policy responses to the crisis,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Takes note with appreciation* of the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights,[23] and welcomes the work and contributions of the Independent Expert;

2. *Also takes note with appreciation* of the mapping of human rights impact assessment tools undertaken by the Independent Expert,[24] and requests him to continue to develop guiding principles for assessing the human rights impact of economic reform policies, in consultation with States and all other relevant stakeholders, and to submit the guiding principles to the Human Rights Council at its fortieth session;

3. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

4. *Recognizes* that more than two thirds of countries across the world are contracting their public purses and limiting, rather than expanding, their fiscal space;

5. *Reaffirms* the fact that responses to the global economic and financial crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

6. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of development goals, including those set out in the 2030 Agenda for Sustainable Development, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

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[23] A/HRC/37/54.

[24] See A/HRC/37/54.

7. *Also recognizes* that not all efforts to reduce public spending are harmful to human rights, and calls for consistent public spending policies that ensure full compliance with the human rights obligations of States and for those policies to take into account the fact that the human rights of the poorest and most vulnerable must be respected, protected and fulfilled;

8. *Recalls once again* the call on industrialized countries to implement the enhanced programme of debt relief without further delay and to agree to cancel all the official bilateral debt of those countries covered by the programme in return for their making demonstrable commitments to poverty reduction;

9. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

10. *Stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

11. *Also stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

12 *Further stresses* that fiscal consolidation and economic reform measures should never violate the minimum core content of economic, social and cultural rights, nor be directly or indirectly discriminatory or result in the adoption of impermissible retrogressive measures in terms of the enjoyment or implementation of economic, social and cultural rights;

13. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

14 *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

15. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

16. *Encourages* States to continue to consider improved approaches to restructuring sovereign debt, taking into account the Basic Principles on Sovereign Debt Restructuring Processes and the work carried out by international financial institutions, in accordance with their respective mandates;

17. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

18. *Takes note* of the work of the Advisory Committee on the activities of vulture funds and their impact on human rights, and requests the Committee to submit the final report thereon to the Human Rights Council at its forty-first session;

19. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

20. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

21. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

22. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

23. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of the mandate;

24. *Requests* the Independent Expert to submit a report on the implementation of the present resolution to the Human Rights Council at its fortieth session;

25. *Decides* to continue its consideration of this matter at its fortieth session under the same agenda item.

53rd meeting
22 March 2018

[Adopted by a recorded vote of 27 to 16, with 4 abstentions. The voting was as follows:

In favour:

Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Brazil, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Afghanistan, Mexico, Panama, Peru]

37/12. Mandate of the Special Rapporteur in the field of cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 34/2 of 23 March 2017,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and annexes thereto,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and that entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights, and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances inclusion and cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Welcomes* the work and contributions of the Special Rapporteur in the field of cultural rights, and takes note with appreciation of her latest report submitted to the Human Rights Council;[25]

10. *Decides* to renew, for a period of three years, the mandate of the Special Rapporteur in the field of cultural rights, to enable the mandate holder to continue to work in accordance with the mandate established by the Human Rights Council in its resolution 19/6;

11. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the discharge of the mandate, to provide the mandate holder with all the necessary information requested by her, and to give serious consideration to responding favourably to the requests of the mandate holder to visit their countries in order to enable her to fulfil her duties effectively;

12. *Requests* the United High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

13. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

14. *Also requests* the Special Rapporteur, within the scope of her mandate, to participate in relevant international forums related to the implementation of the 2030 Agenda for Sustainable Development, and to contribute to its implementation, including by providing advice to States, international organizations, civil society and other stakeholders on the effective respect, protection and fulfilment of cultural rights in the implementation of the 2030 Agenda;

15. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/13. Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the respect, promotion and fulfilment of one category of rights should never exempt States from the respect, promotion and fulfilment of the other rights,

Recalling also the United Nations Millennium Declaration, in which the Heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as peace, development and respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and believing that broad and sustained efforts are needed to build a

[25] A/HRC/37/55.

community of shared future for all human beings in which the human person is the central subject of human rights and fundamental freedoms,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of the Agenda by 2030,

Reaffirming also the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, in which States reaffirmed the human rights of all refugees and migrants, regardless of status, and pledged to fully protect such rights,

Recognizing that the 17 Sustainable Development Goals and the 169 targets of the 2030 Agenda cover a wide range of issues relating to economic, social and cultural rights, in particular availability, accessibility, affordability and quality of services, and many dimensions of civil and political rights, as well as issues that are related to domestic resource mobilization, international cooperation and the right to development, and that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Recalling its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal, and its integration into all goals and targets of the 2030 Agenda and throughout the implementation process,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 34/4 of 23 March 2017;

2. *Also calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

3. *Welcomes* the most recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States

that have not yet signed and ratified the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the role of economic, social and cultural rights in building sustainable and resilient societies for the implementation of the 2030 Agenda for Sustainable Development, submitted pursuant to Human Rights Council resolution 34/4,[26] and of the conclusions contained therein;

5. *Emphasizes* that, in General Assembly resolution 70/1, States committed to taking bold and transformative steps that were urgently needed to shift the world on to a sustainable and resilient path, pledged that no one would be left behind and that they would endeavour to reach the furthest behind first, recognized that the dignity of the human person was fundamental, envisaged a world of universal respect for equality and non-discrimination and included the concepts of resilience and sustainability in the Goals and targets of the 2030 Agenda;

6. *Recognizes* that working towards sustainable and resilient societies requires States to mitigate the risks of natural and human-made hazards and disasters, such as those arising from the impact of, inter alia, climate change and unsustainable development planning and activities, while acknowledging the links between sustainability and resilience and the enjoyment of all human rights;

7. *Also recognizes* that freedom of expression, including the freedom to seek, receive and impart information, and the right of citizens to take part in the conduct of public affairs are essential for disaster preparedness and protection from environmental harm, and that it is important to engage and consult with a broad range of stakeholders at all levels concerning effective action on all aspects of disaster risk reduction;

8. *Urges* States to raise awareness about applicable national and international law in order to strengthen the resilience and protection of people at risk from natural and human-made hazards and disasters;

9. *Also urges* States to enhance international cooperation in order to complement and strengthen their national disaster risk reduction action and capacity;

10. *Further urges* States to take action to build resilience and work towards sustainable societies, including, as appropriate, by enacting and implementing laws on all relevant aspects of disaster risk mitigation and by setting up information, education, prevention, mitigation, participation, investigation, prosecution and recovery mechanisms and procedures in case of natural and human-made hazards and disasters, in accordance with their international obligations and commitments;

11. *Urges* States to adopt or further develop procedures for information-gathering and measurement that may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and are transparent, participatory and allow for accountability;

12. *Notes with appreciation* the contributions of international human rights mechanisms, including the international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations, encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

13. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard notes with appreciation the measures taken to

[26] A/HRC/37/30.

facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

14. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights in the International Covenant on Economic, Social and Cultural Rights;

15. *Recognizes* that the 17 Sustainable Development Goals and 169 targets seek to, inter alia, realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely the economic, social and environmental, calls upon States to implement the 2030 Agenda consistent with the principles of equality and non-discrimination, and in this regard encourages States to consider appropriate measures to promote de facto equality;

16. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of acting consistently with the principles of non-discrimination, transparency, participation and accountability;

17. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

18. *Also notes with appreciation* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

19. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

20. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

21. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

22. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality;

23. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/14. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992,

Taking into consideration article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling also the paragraphs in the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development is an integral part, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, follow-up to and review of the 2030 Agenda, in order to ensure that no one is left behind,

Reaffirming that youth participation is important for development, and encouraging Member States to explore and promote the participation of young people in relevant decision-making processes and monitoring, including in designing and implementing policies and programmes involving them, while implementing the 2030 Agenda,

Welcoming the adoption of initiatives by the United Nations system, including the proclamation of the year beginning 1 January 2019 as the International Year of Indigenous Languages and International Mother Language Day to draw attention to the critical loss of languages, and recognizing the urgent need to promote the preservation and protection of all languages, including as an educational medium, and to take further urgent steps to that end at the national and international levels,

Taking note of the publication of the handbook entitled "Language Rights of Linguistic Minorities: A Practical Guide for Implementation",

Emphasizing the need to strengthen efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing their economic and social conditions and marginalization, and to end any type of discrimination against them,

Emphasizing also the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact on the enjoyment of their rights,

Recognizing that young women and girls belonging to national or ethnic, religious and linguistic minorities may often face particular challenges, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Emphasizing the fundamental importance of human rights education, training and learning, dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society relating to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including through the sharing of best practices relating to, inter alia, the promotion of mutual understanding of minority issues, the management of diversity through the recognition of plural identities and the promotion of inclusive and stable societies and of social cohesion therein,

1. *Takes note* of the report of the Special Rapporteur on minority issues submitted to the Human Rights Council at its current session,[27] his report on the recommendations of the Forum on Minority Issues at its tenth session[28] and the report to the General Assembly at its seventy-second session;[29]

2. *Notes* the completion, in December 2017, of the tenth session of the Forum on Minority Issues, addressing the rights of minority youth, which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic, and encourages States to take into consideration the relevant recommendations of the Forum;

3. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[30]

4. *Commends* the Special Rapporteur on minority issues for his work and for the important role that he has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for his guiding role in the preparation and work of the Forum on Minority Issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Calls upon* States to undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in other international human rights obligations and commitments, and recommends that all measures taken with a view to implementing the Declaration be, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Urges* States, while bearing in mind the theme of the tenth session of the Forum on Minority Issues, and with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including minority youth, to take appropriate measures by, inter alia:

(a) Taking legislative, policy or practical measures to ensure that minority youth have equal access to education of equal quality, delivered in an inclusive environment that fosters greater achievement for all;

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[27] A/HRC/37/66.
[28] A/HRC/37/73.
[29] A/72/165.
[30] A/HRC/25/30.

(b) Providing, wherever possible, minority youth with adequate opportunities to learn their own language or to have instruction in their own language, while ensuring that minorities also receive instruction in official languages;

(c) Refraining from adopting policies or education strategies segregating students into different educational institutions or classes based on their minority status;

(d) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on minority youth, bearing in mind that the full enjoyment of human rights by young persons empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their country;

(e) Promoting the representation of minority youth in decision-making processes at the local, national and international levels, especially processes concerning youth and minority policies;

(f) Also promoting the adequate representation of persons belonging to national or ethnic, religious and linguistic minorities, including minority youth where applicable, in national and local institutions, including municipalities, schools and police forces;

(g) Ensuring the full and effective participation of minority youth in economic life, as appropriate, without discrimination based on language, religion or ethnicity, including by developing training and professional orientation programmes and ensuring that such programmes are made available in minority languages;

(h) Supporting activities that can help to develop a spirit of community, including efforts to engage minority youth through sport and culture;

(i) Ensuring protection of minorities, including minority youth, on an equal basis with all other civilians, taking into account their specific vulnerabilities during and after conflict;

(j) Enabling intercultural and interreligious dialogue among youth for the recognition and promotion of and respect for diversity, including as a critical tool for fostering mutual understanding, the promotion of peace, sustainable development, peaceful coexistence, conflict prevention, reconciliation processes and mutual understanding in post-conflict societies;

(k) Facilitating the participation, as appropriate, of persons belonging to national or ethnic, religious and linguistic minorities, including minority youth, in the design, establishment and implementation of comprehensive transitional justice strategies;

(l) Countering any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including on the Internet, and adopting and implementing measures to criminalize incitement to imminent violence based on nationality, race, religion or belief, while respecting all internationally recognized human rights and fundamental freedoms;

(m) Promoting cultural diversity, inclusion, education and tolerance, inter alia, by encouraging, on a voluntary basis, complementary efforts by media and digital media actors to disseminate information about the rights of all persons belonging to national or ethnic, religious and linguistic minorities and to give voice to their concerns and views;

7. *Invites* international and regional organizations to continue to pay attention to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities, and in this regard to take into consideration relevant recommendations of the Forum on Minority Issues;

8. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

9. *Notes in particular* in this regard the initiatives and activities of the United Nations network on racial discrimination and the protection of persons belonging to national or ethnic, religious and linguistic minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue to cooperate with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

10. *Requests* the High Commissioner to continue to present an annual report to the Human Rights Council containing information on relevant developments of United Nations human rights bodies and mechanisms, and on the activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

11. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Special Rapporteur on minority issues and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Decides* to continue its consideration of this issue in accordance with its programme of work.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/15. High-level intersessional discussion celebrating the centenary of Nelson Mandela

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and *recognizing* that 2018 marks their seventieth and twenty-fifth anniversaries respectively,

Recalling the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also General Assembly resolution 64/13 of 10 November 2009, in which the Assembly decided to designate 18 July as Nelson Mandela International Day,

Taking note of the Declaration on the Centenary of Nelson Mandela, made by the Assembly of the African Union at its thirtieth ordinary session, and the decision of the Assembly at its twenty-second ordinary session to declare 2014–2024 the Madiba Nelson Mandela Decade of Reconciliation in Africa,

Recalling Nelson Mandela's lifelong struggle for freedom, human rights and human dignity, equality and justice, as well as his conviction and incarceration in 1963,

Recalling also that, upon his release in 1990, after serving 27 years in prison, Nelson Mandela contributed to the transition of South Africa to democracy, and that he gave selfless service as an international statesman to the cause of human rights,

Recognizing Nelson Mandela as the embodiment of human rights and a champion of the global poor and their dignity, as recognized by the General Assembly and the Assembly of the African Union,

1. *Decides* to convene a high-level intersessional discussion celebrating the centenary of Nelson Mandela, on his life and legacy, in the context of promoting and protecting human rights through social justice, reconciliation and democratic ideals, on 27 April 2018, the day that, in 1994, Mandela and millions of South Africans cast their votes for the first time in a fully representative democratic election;

2. *Requests* the United Nations High Commissioner for Human Rights to invite to that discussion, for their participation, eminent persons who worked with Nelson Mandela and other persons who embody his virtues on various global platforms for the advancement of human rights;

3. *Also requests* the High Commissioner to provide all the resources necessary for the effective realization of the discussion;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary report on the discussion and to submit it to the Council at its thirty-ninth session.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/16. Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all international human rights instruments relevant to the right to work, including the International Covenant on Economic, Social and Cultural Rights, and the 2030 Agenda for Sustainable Development,

Reaffirming also previous Human Rights Council resolutions on the right to work, the most recent being resolution 34/14 of 24 March 2017,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization", and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, and the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, and recalling its initiatives and activities in that regard, including the Decent Work Agenda, and the centenary initiatives of the Organization,

Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work,

Acknowledging also the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full and productive employment and decent work for all and the full realization of the right to work, and recognizing the important contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development, and that they require a multidimensional focus that incorporates Governments, representatives of employers and workers, the private sector, national human rights institutions, civil society organizations and international organizations, in particular the agencies of the United Nations system and international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the implementation of relevant targets of the Sustainable Development Goals;[11]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take appropriate steps to progressively achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for those whose freedom is frequently compromised by discriminatory legal provisions or forced labour, in particular women and persons with disabilities;

[11] A/HRC/37/32.

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish perpetrators for its use in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities continue to face multiple and intersecting forms of inequality and discrimination, including the lack of reasonable accommodation, which represent significant obstacles in exercising their right to work on an equal basis with others, and that they are frequently subject to less favourable conditions of pay, precarious, often informal working conditions and poor career prospects in a context of environmental, social and economic barriers in their access to work and within work, and in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities;

11. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development, and to take additional measures to prevent the engagement of children in the worst form of child labour;

12. *Expresses concern* that, according to the report of the International Labour Organization *World Employment Social Outlook: Trends 2018*, many countries continue to report high rates of labour underutilization, with large shares of discouraged workers and growing incidence of involuntary part-time employment, affecting in large part young people;

13. *Notes with concern* that, according to the report of the International Labour Organization *Global Employment Trends for Youth 2017*, although there has been a modest economic recovery, youth unemployment remains high and employment quality a concern, and young people are three times as likely as adults to be unemployed, which constitutes a serious global problem;

14. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, and emphasizes that full and productive employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability, thus contributing to sustainable development and peace;

15. *Stresses* the fundamental importance of equal opportunities, education, technical and vocational training, and that lifelong learning opportunities and guidance for all, including for women, young people and persons with disabilities, are necessary for the realization of the right to work;

16. *Encourages* States to effectively implement the 2030 Agenda for Sustainable Development, including its Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Underscores* that, in considering the relationship between the realization of the right to work and the implementation of the relevant Sustainable Development Goals and targets, it is important to recognize that the Goals and targets are universal and interlinked and that their achievement, in accordance with international human rights law and consistent with the commitment that no one is left behind, can therefore contribute to the realization of the right to work for all;

18. *Stresses* that all States committed, in the 2030 Agenda, to leaving no one behind and to reaching the furthest behind first, and, in order to promote the achievement of that principle, States are encouraged to create conditions for sustainable, inclusive and sustained economic growth and decent work for all and to promote the employment of young people and women's economic empowerment;

19. *Also stresses* that the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking, and that to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full and productive employment and decent work for all women and men by 2030;

20. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant and inclusive social protection measures, including social protection floors;

21. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and the exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full and productive employment and decent work for all;

22. *Calls upon* States to put in place cohesive and comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women by, inter alia, considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, including those that are owned by women, and considering investing in infrastructure, services and social protection systems to allow for and to promote equitable sharing of care responsibilities between men and women;

23. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth, full and productive employment and decent work for all, noting the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals and Addis Ababa Action Agenda by 2030, and noting the need to promote the implementation of the Guiding Principles on Business and Human Rights and the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women, as applicable;

24. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all, and the importance of promoting equitable representation, participation and leadership in such organizations;

25. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive

employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for all to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development;

26. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination and violence, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

27. *Encourages* States to take all appropriate measures to prohibit discrimination in all matters concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement, and to pay particular attention to women facing multiple intersecting forms of inequality and discrimination;

28. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report, in consultation with States, relevant United Nations agencies, funds and programmes, particularly the International Labour Organization, and the treaty bodies, the special procedures, civil society, national human rights institutions and other stakeholders, on the relationship between the realization of the right to work and the enjoyment of all human rights by young people, with an emphasis on their empowerment, in accordance with States' respective obligations under international human rights law, to indicate the major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its fortieth session;

29. *Decides* to remain seized of the matter.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/17. Cultural rights and the protection of cultural heritage

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development and all relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming the human rights and fundamental freedoms enshrined therein,

Recalling also General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council and in which it stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling further Human Rights Council resolution 33/20 of 30 September 2016,

Convinced that damage to cultural heritage, both tangible and intangible, of any people constitutes damage to the cultural heritage of humanity as a whole,

Recognizing that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of cultural heritage belongs primarily to the State on whose territory it is situated,

Noting that the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights, in particular the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage,

Reaffirming that safeguarding the enjoyment of cultural rights may form a crucial part of the response to many current global challenges, including to the scourge of terrorism,

Reaffirming also that addressing the destruction of tangible and intangible cultural heritage needs to be holistic, encompassing all regions, contemplating both prevention and accountability, focusing on acts by State and non-State actors in both conflict and non-conflict situations, and terrorist acts,

Recognizing that the violation or abuse of the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage, may threaten stability, social cohesion and cultural identity, and constitutes an aggravating factor in conflict and a major obstacle to dialogue, peace and reconciliation,

Strongly condemning all acts of unlawful destruction of cultural heritage, which are often committed during or in the aftermath of armed conflicts around the world, or as a result of terrorist attacks,

Noting with deep concern the organized looting, smuggling and theft of and illicit trafficking in cultural property that could undermine the full enjoyment of cultural rights, and are contrary to international law and may, in some instances, generate funds for the financing of terrorism,

Acknowledging the importance of early restoration of the full enjoyment of cultural rights to individuals affected by conflict, and in particular to those who are displaced,

Emphasizing the important role that the Human Rights Council can play, in concert with all other relevant international actors, in global efforts to protect, restore and preserve cultural heritage, with a view to promoting universal respect for cultural rights by all,

Recognizing the important contribution that United Nations peacekeeping missions can make in the protection of cultural heritage and the safeguarding of the enjoyment of cultural rights, both during and in the aftermath of armed conflicts,

Acknowledging the important role of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the World Customs Organization in international efforts to combat and prevent damage or destruction, organized looting, smuggling and theft of and illicit trafficking in cultural property, and to restore damaged property,

Welcoming all initiatives, whether by States, institutions or private persons, for the voluntary return of cultural property, and in particular those concerning cultural property that has been illicitly appropriated,

Recognizing that technology, and in particular the Internet, may enhance cultural creation and dissemination by enabling new forms of curating and sharing, and engagement with, cultural heritage,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on the intersessional seminar on cultural rights and the protection of cultural heritage,[32] and noting the areas identified therein as needing more attention, such as the protection of the cultural heritage of minority communities from intentional destruction aimed at erasing evidence of their presence and the engagement of indigenous peoples and local communities in international debates on cultural heritage protection,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized

[32] A/HRC/37/29.

Human Rights and Fundamental Freedoms and its implementation, and in the context of its twentieth anniversary, highlighting in particular the important contribution made by cultural rights defenders involved in the protection of the cultural heritage of all humankind,

1. *Calls upon* all States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

2. *Urges* all parties to armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law;

3. *Encourages* States that have not yet become a party to all relevant treaties that provide for the protection of cultural property to consider doing so;

4. *Calls* for enhanced international cooperation in preventing and combating the organized looting, smuggling and theft of and illicit trafficking in cultural objects and in restoring stolen, looted or trafficked cultural property to its country of origin, and invites States to take measures in this regard at the national level to make effective use to this end of relevant tools and databases developed under the auspices of the United Nations Educational, Scientific and Cultural Organization, the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the World Customs Organization, within the scope of their respective mandates;

5. *Encourages* the strengthening of dialogue and cooperation between relevant international organizations and States affected by the organized looting, theft and smuggling of and illicit trafficking in cultural property, including through the provision of support and technical assistance aimed at enhancing their national capacities to restore, protect and preserve cultural heritage and property;

6. *Calls for* the development of partnerships between competent national authorities and civil society, in particular grass-roots institutions, with the aim of creating a safe and enabling environment to enhance the protection of cultural rights and to promote the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage;

7. *Also calls for* the identification of innovative ways and best practices, at the national, regional and international levels, for the prevention of violations and abuses of cultural rights, and for participatory and inclusive approaches to the prevention and mitigation of damage caused to cultural heritage, whether tangible or intangible;

8. *Further calls for* the recognition of the protection of cultural heritage as an important component of humanitarian assistance, including in armed conflict and with regard also to displaced populations and for enhanced cooperation between the Office of the United Nations High Commissioner for Human Rights, the mandate of the Special Rapporteur in the field of cultural rights, the United Nations Educational, Scientific and Cultural Organization and other relevant agencies and stakeholders, with a view to mainstreaming the protection of cultural heritage into humanitarian actions, security strategies and peacebuilding processes, and in post-conflict reconciliation initiatives;

9. *Encourages* States to adopt a gender-sensitive and inclusive approach to the protection of cultural heritage and the safeguarding of cultural rights that is respectful of cultural diversity and includes consideration of human rights issues of minority communities and indigenous peoples;

10. *Calls for* the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, bringing to justice anyone alleged to have harmed them;

11. *Invites* States to adopt effective strategies to prevent the destruction of cultural heritage by, inter alia, ensuring accountability, documenting the cultural heritage within their jurisdiction, including through digital means, implementing educational programmes on the importance of cultural heritage and cultural rights and training military forces and humanitarian actors in all relevant rules concerning the protection of cultural heritage, both during and in the aftermath of armed conflict;

12. *Encourages* States to address limitations of cultural rights, to take the measures necessary to prevent the destruction of historic monuments, works of art or places of worship that constitute the cultural or spiritual heritage of peoples, both in conflict and non-conflict situations, and to promote respect for cultural diversity;

13. *Also encourages* States, the international community, the United Nations and civil society to consider implementing the relevant recommendations contained in the report of the High Commissioner on the intersessional seminar on cultural rights and the protection of cultural heritage,[32] as well as those made by the Special Rapporteur in the field of cultural rights in her reports presented to the Human Rights Council[33] and to the General Assembly;[34]

14. *Requests* the High Commissioner:

(a) To convene, before the forty-fourth session of the Human Rights Council, and in collaboration with the Special Rapporteur in the field of cultural rights, relevant agencies and other stakeholders, a two-day workshop in Geneva with the participation of experts from all regions of the world to develop appropriate tools for the dissemination of an approach to the protection, restoration and preservation of cultural heritage that promotes universal respect for cultural rights by all;

(b) To submit a report thereon to the Human Rights Council at its forty-sixth session;

15. *Decides* to remain seized of the matter.

53rd meeting
22 March 2018

[Adopted without a vote.]

37/18. Promoting human rights through sport and the Olympic ideal

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments,

Recalling also the relevant provisions of the key international human rights treaties, in particular article 31 of the Convention on the Rights of the Child, articles 1 and 30 of the Convention on the Rights of Persons with Disabilities and articles 10 (g) and 13 (c) of the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling further the resolutions adopted by the General Assembly on the issue of sport for development and peace and the Olympic Games, in particular its resolutions 67/17 of 28 November 2012, 68/9 of 6 November, 69/6 of 31 October 2014 and 70/4 of 26 October 2015, the latter on building a peaceful and better world through sport and the Olympic ideal, 71/160 of 16 December 2016, in which the Assembly supported the independence and autonomy of sport and recognized the unifying and c conciliatory nature of major international sport events, and 72/6 of 13 November 2017, in which the Assembly recalled its resolution 48/11 of 25 October 1993 that, inter alia, recognized the efforts of the International Olympic Committee to restore the ancient Greek tradition of *ekecheiria* ("Olympic Truce") calling for a truce during the Olympic Games in the interest of contributing to international understanding and peace,

Reaffirming previous Human Rights Council resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September

[33] A/HRC/31/59 and Corr.1.
[34] A/71/317.

2011, 24/1 of 26 September 2013, 26/18 of 26 June 2014, 27/8 of 25 September 2014 and 31/23 of 24 March 2016,

Recalling that the General Assembly has supported the independence and autonomy of sport and the mission of the International Olympic Committee in leading the Olympic movement, and of the International Paralympic Committee in leading the Paralympic movement, and noting that they, as well as other relevant stakeholders, also have a role in protecting the interests and rights of athletes and the integrity of sport in accordance with the Olympic Charter, the International Paralympic Committee Code of Ethics and other relevant international standards and principles,

Acknowledging the fundamental principles of the Olympic Charter, including principle 6, which states that the enjoyment of the rights and freedoms set forth in the Charter shall be secured for all, without discrimination of any kind,

Recalling that the General Assembly has recognized the valuable contribution of sport to the promotion of education, sustainable development, peace, cooperation, solidarity, fairness, social inclusion and health at the local, regional and international levels, and noting that, as declared in the 2005 World Summit Outcome, sports can contribute to an atmosphere of tolerance and understanding among peoples and nations,

Acknowledging the revised International Charter for Physical Education, Physical Activity and Sport, as proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session, in November 2015, and the Kazan Action Plan, adopted at the Sixth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport, held in Kazan, Russian Federation, in July 2017,

Acknowledging also the major role of the United Nations system and its country programmes and the role of Member States in promoting human development through sport and physical education,[15]

Taking note with appreciation of the final report of the Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them,[16] and its recommendations to States, national, regional and international sport organizations and other stakeholders,

Welcoming the significant impetus that the Olympic Games, the Paralympic Games and the Youth Olympic Games give to the volunteer movement around the world, acknowledging the contributions of volunteers to the success of the Games, and in this regard calling upon host countries to promote social inclusion without discrimination of any kind,

Noting that the Olympic Charter, among its fundamental principles of Olympism, stipulates that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play,

Recognizing the potential of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing also that sport and major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights,

Recognizing further the imperative need to engage women and girls in the practice of sport and to enhance, to this end, their participation in sporting events at the national and international levels,

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[15] See General Assembly resolution 71/160.

[16] A/HRC/30/50.

Welcoming the continued advancement of women in and through sports and sporting activities, in particular the support for their progressively greater participation in sport events, which provides opportunities for women's empowerment and the realization of gender equality,

Acknowledging the potential of sport and major sporting events to educate the youth of the world and to promote their inclusion through sport practiced without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Acknowledging also the joint endeavours of the International Olympic Committee, the International Paralympic Committee and the United Nations system in such fields as human development, poverty alleviation, humanitarian assistance, health promotion, HIV and AIDS prevention, child and youth education, gender equality, peacebuilding and sustainable development,

Acknowledging further the importance of the Youth Olympic Games in inspiring youth, including university students, through integrated sports and cultural and educational experiences, and the potential for social inclusion, welcoming the hosting of the Youth Olympic Games by Buenos Aires in 2018 and Lausanne, Switzerland in 2020, and the hosting of the Universiade in 2019 by Krasnoyarsk, Russian Federation in March 2019 and in Naples, Italy in July 2019,

Reaffirming the need to combat discrimination and intolerance where they occur, within and outside the sporting context,

Recognizing that sport, the Olympic and Paralympic Games, and other international major sporting events, such as the International Federation of Association Football World Cup, can be used to promote human rights and to strengthen universal respect for them, thus contributing to their full realization,

Acknowledging the valuable contribution that the appeal by the International Olympic Committee for an Olympic Truce, also known as *ekecheiria*, could make towards advancing the purposes and principles of the Charter of the United Nations,

Noting that recreational programmes, sport and games have helped to reduce tensions in some regions where there is armed conflict,

Noting also that sports could be a strong force for equality and diversity, and may play a role in the promotion of compassion, tolerance and acceptance for refugees and migrants,

Noting further that the participation of teams of refugees in the Olympic Games in Rio de Janeiro, Brazil in 2016, and in other games, such as the 2017 World Championship in Athletics in London, and the 2017 Asian Indoor and Martial Arts Games in Ashgabat, might inspire a new understanding of the rights of millions of people caught up in crises around the world, and welcoming in this context the participation in mega-sporting events of teams of refugees selected under the responsibility of the International Olympic Committee, in close cooperation and consultation with the Office of the United Nations High Commissioner for Refugees, relevant international sports federations, national Olympic committees and the host country,

Acknowledging the very important role of the media in the promotion and popularization of sport and in raising public awareness of the merits of practicing as a key element of a healthy lifestyle, thus contributing to the enjoyment of the highest attainable standard of physical and mental health,

Acknowledging also that the media may play a positive role when reporting on how sport can translate into respect for human rights and promote social cohesion and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

Noting the successful conclusion of the Olympic and Paralympic Games in PyeongChang, Republic of Korea, welcoming the hosting of the Olympic and Paralympic Games in the cities of Tokyo, Beijing, Paris and Los Angeles, United States of America in

2020, 2022, 2024 and 2028 respectively, and stressing the opportunity to promote human rights, especially through sport and the Olympic ideal,

Recognizing the potential of sport and major sporting events in contributing to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development to fostering peace and sustainable development, and to the inclusion of persons with disabilities, and the promotion of non-discrimination, and taking into account the need to address and prevent improper practices of stakeholders engaged in the organization and preparation of sports events, which may lead to human rights violations and abuses and negatively affect the economic, social and environmental spheres,

Recalling the designation of 6 April as the International Day of Sport for Development and Peace, and encouraging the celebration of this day,

Being aware of the need to actively involve sport and the Olympic and Paralympic Games in achieving the full and equal enjoyment of all human rights by persons with disabilities, and respect for their inherent dignity, recognizing efforts made by the hosting countries to create a barrier-free environment for persons with disabilities, and stressing the need to continue to build on efforts made most recently at the 2016 Summer Olympic and Paralympic Games in Rio de Janeiro, the 2018 Winter Olympic and Paralympic Games in PyeongChang and the 2014 International Federation of Association Football World Cup in Brazil,

Acknowledging the role that the Paralympic movement plays in showcasing the achievements of athletes with disabilities to a global audience and in acting as a primary vehicle to promote positive perceptions and greater inclusion of persons with disabilities in sport and society,

Recognizing the need to reflect more thoroughly on the value of relevant principles enshrined in the Olympic Charter, the International Paralympic Committee Code of Ethics and good sporting example in achieving the universal respect for realization of all human rights,

Welcoming the panel discussion held at the thirty-second session of the Human Rights Council on the theme "The use of sport and the Olympic ideal to promote human rights for all",

Recognizing the need to support the independence and autonomy of sport and to preserve integrity in sports in all aspects, through good governance of sport executive bodies and the effective and impartial implementation of anti-corruption, anti-doping and other relevant regulations, without prejudice to the human rights of athletes,

1. *Encourages* States to promote sport as a means to combat all forms of discrimination;

2. *Calls upon* States to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation during and beyond the period of the Olympic and Paralympic Games, in particular by observing the Olympic Truce;

3. *Encourages* States to adopt best practices and means to promote the practice of sport and physical activities by all members of society, and to cultivate a sports culture in society;

4. *Invites* States and national, regional and international sports organizations to, where appropriate, implement new or strengthen existing programmes that provide more opportunities and facilitate barrier-free access to sport for all, in particular for children and youth, persons with disabilities, and women and girls, and substantially increase opportunities for women's participation and leadership in all areas of sport, and in this regard encourages States to leverage sport and physical education policies and programmes to advance gender equality and the empowerment of women and girls;

5. *Encourages* States and national, regional and international sports organizations to enhance human rights awareness and education, including the values of sport, of athletes, coaches and other sports officials;

6. *Calls upon* States to take effective measures to address vandalism and violence during and around sporting events, and to encourage national, regional and international sports organizations to contribute to that end;

7. *Welcomes* the cooperation among Member States, the United Nations and its specialized agencies, funds and programmes, the International Olympic Committee and the International Paralympic Committee to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encourages the Olympic and Paralympic movements to work closely with national, regional and international sport organizations on the use of sport for this purpose;

8. *Decides* to incorporate into its programme of work a thematic panel discussion with regard to promoting human rights through sport and the Olympic ideal, to be held once every four years at the session of the Human Rights Council preceding the Summer Olympic and Paralympic Games, and also decides that the discussions will be fully accessible to persons with disabilities;

9. *Also decides* that the first such panel discussion will be organized at its forty-fourth session, ahead of the 2020 Olympic and Paralympic Games in Tokyo;

10. *Further decides* to remain seized of the matter.

54th meeting
23 March 2018

[Adopted without a vote.]

37/19. The negative impact of corruption on the right to be free from torture and other cruel, inhuman or degrading treatment or punishment

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recalling also all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the negative impact of corruption on human rights,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Acknowledging that good governance, transparency, accountability and the rule of law play a central role both in the promotion and protection of human rights, including to ensure the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, and in preventing and combating corruption at all levels,

Concerned about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,

Recognizing that the international legal frameworks for protecting human rights and fighting corruption are complementary and mutually reinforcing,

Recalling the correlation between the levels of corruption within a State and the prevalence of torture and other cruel, inhuman or degrading treatment or punishment

recognized in the seventh annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[37]

Recognizing that corruption has a disproportionate impact on persons in vulnerable situations and persons belonging to marginalized groups and may have an adverse impact on their access to justice, redress and compensation, including as victims of torture and other cruel, inhuman or degrading treatment or punishment, which may increase their risk of being subjected to torture and other cruel, inhuman or degrading treatment or punishment,

1. *Urges* all States that have not become a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to do so, and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

2. *Also urges* all States that have not yet done so to consider ratifying the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;

3. *Stresses* that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

4. *Calls upon* States to adopt such legislative and other measures as may be necessary to establish acts of corruption as criminal offences, as required in the United Nations Convention against Corruption and in other relevant regional anti-corruption treaties to which they are a party;

5. *Stresses* that States must take effective legislative, administrative, judicial or other measures to prevent public officials, including law enforcement officials or other persons acting in an official capacity, from inflicting, instigating or consenting or acquiescing to any acts of torture or other cruel, inhuman or degrading treatment or punishment;

6. *Also stresses* that public officials should not commit any act of corruption, and that they should rigorously oppose and combat all such acts;

7. *Recognizes* that the prevalence of corruption, including in law enforcement and justice systems, can have a negative impact on the fight against torture and other cruel, inhuman or degrading treatment or punishment, including by eroding fundamental safeguards and preventing victims of torture and other cruel, inhuman or degrading treatment or punishment from effectively seeking justice, redress and compensation through the justice system;

8. *Recognizes with concern* that the threat or act of torture and other cruel, inhuman or degrading treatment or punishment may be used as a means of perpetrating acts of corruption;

9. *Recognizes* that measures to combat torture and other cruel, inhuman or degrading treatment or punishment should give due attention to the detrimental effects of corruption, and that efforts to prevent and combat corruption and efforts to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment can be mutually reinforcing;

10. *Urges* States to adopt, implement and comply fully with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, and ensure that these safeguards are not compromised by any form or practice of corruption, recognizing that such safeguards can also be a valuable protection against corrupt practices;

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[37] CAT/C/52/2, para. 72.

11. *Underlines* that one key aspect of prevention measures against corruption is to address the needs of those in vulnerable situations and persons belonging to marginalized groups, who may be the first persons negatively affected by corruption and may consequently be at greater risk of being subjected to torture and other cruel, inhuman or degrading treatment or punishment;

12. *Invites* bodies working on the eradication and prevention of torture and other cruel, inhuman or degrading treatment or punishment to cooperate with national anti-corruption authorities and national human rights institutions, where they exist, in addressing how corruption negatively affects the right to be free from torture and other cruel, inhuman or degrading treatment or punishment, including through the exchange of relevant information;

13. *Emphasizes* the essential role of law enforcement officials, judges, prosecutors and lawyers in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, and that States should ensure the effective administration of justice, including by taking effective measures to combat corruption in the administration of justice, establishing proper legal aid programmes and having law enforcement officials, judges, prosecutors and lawyers adequately and in sufficient numbers selected, trained and remunerated;

14. *Calls upon* States, in the training of law enforcement personnel, judges, prosecutors and other relevant public officials, to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and to enhance their awareness of how the risks of corruption in the performance of their functions may increase the risk of torture and other cruel, inhuman or degrading treatment or punishment;

15. *Stresses* that corruption in any area of the justice system has a negative impact on its independence, impartiality and effectiveness, including its mechanisms that investigate and prosecute acts of torture and other cruel, inhuman or degrading treatment or punishment and provide access to justice, redress and compensation for victims of such acts;

16. *Emphasizes* that independent oversight and complaints mechanisms and an independent, impartial and effective justice system contribute to accountability, which is essential to the prevention of corruption and of torture and other cruel, inhuman or degrading treatment or punishment, including if facilitated or practiced due to or as a result of corruption;

17. *Also emphasizes* that States are obligated to ensure that any person who alleges to have been subjected to torture or other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction has the right to complain to the competent authorities, and that steps are taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given;

18. *Calls upon* States to ensure accountability for acts of torture and other cruel, inhuman or degrading treatment or punishment, and in this regard stresses that preventing and combating corruption are important in ensuring the ability of the competent national authorities to investigate promptly, effectively, independently and impartially all allegations of such acts;

19. *Takes note with appreciation* of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment of r punishment;[38]

[38] A/HRC/37/50.

20. *Invites* the Special Rapporteur and other relevant special procedures, within their respective mandates, to take the present resolution into account in their future work.

54th meeting
23 March 2018

[Adopted without a vote.]

37/20. Rights of the child: protection of the rights of the child in humanitarian situations

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child and, bearing in mind the importance of the Optional Protocols to the Convention, calling for their universal ratification and effective implementation,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 34/16 of 24 March 2017 and Assembly resolution 72/245 of 24 December 2017,

Reaffirming General Assembly resolution 46/182 of 19 December 1991 and the guiding principles contained in the annex thereto,

Reaffirming also the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance,

Reaffirming further that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

Welcoming the work of the Committee on the Rights of the Child and of other treaty bodies, and noting in particular the general comments of the Committee,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, in particular the work of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children, as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, and taking note of their most recent reports,[39]

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing,

Recognizing that humanitarian situations compromise the effective enjoyment of the rights of the child, including the rights to life, to survival, to development, to family relations and not to be separated from one's parents against one's will unless necessary for the best interests of the child, to the highest attainable standard of health, to an adequate standard of living, to education, to recreation and play and to be protected from all forms of violence, abuse, neglect or exploitation,

Recognizing also the work undertaken on a global compact on refugees and a global compact for safe, orderly and regular migration, to be considered for adoption in 2018, and recalling the importance of protecting the human rights and fundamental freedoms of all refugee and migrant children, with the best interests of the child as a primary consideration,

Mindful of the commitment of States to work towards ending the detention of children for the purpose of determining their migration status in a manner that takes into

[39] A/HRC/37/60, A/72/164, A/HRC/37/48 and A/HRC/37/47.

account as a primary consideration the best interests of the child, in accordance with the New York Declaration for Refugees and Migrants,

Profoundly concerned that children in many parts of the world remain negatively affected by the impact of climate change, natural disasters and extreme weather events, including persistent drought, land degradation, sea level rise, coastal erosion and ocean acidification, which further threaten health, food security and efforts to eradicate poverty and achieve sustainable development, and in this regard calling for the implementation of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change,

Recognizing that children are disproportionately affected in complex humanitarian emergencies, which increases their vulnerability as refugees, asylum seekers, internally displaced persons, stateless persons, migrants and those remaining in areas of armed conflict, in particular when they are unaccompanied and separated,

Recalling that, around the world, nearly 50 million children have migrated across borders or been forcibly displaced, including more than 10 million child refugees, 1 million child asylum seekers and another 20 million migrant children who have crossed international borders, an estimated 17 million children internally displaced due to conflict and violence and more than 300,000 unaccompanied and separated children, and that children now comprise half of all refugees,

Recognizing the particular vulnerability of girls and boys to violence, including trafficking in persons, sale, sexual violence and abuse and other forms of exploitation, in the context of humanitarian situations,

Recognizing also the psychological distress that humanitarian situations cause children and their families, putting children at heightened risk for impaired developmental and health outcomes that can follow them throughout their lives,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on protecting the rights of the child in humanitarian situations;[40]

2. *Calls upon* States to take all measures necessary to ensure the enjoyment by children of all their human rights, without discrimination of any kind, including in the context of humanitarian situations;

3. *Also calls upon* States to give particular attention to the rights of the child in the context of humanitarian situations, consistent with their obligations under international human rights law and, as applicable, international humanitarian and refugee law;

4. *Recalls* the obligations under the Convention on the Rights of the Child that States undertake to respect and ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child, and their obligation under international humanitarian law to protect the civilian population in armed conflicts, and calls upon States to take all feasible measures to ensure the protection and care of children who are affected by an armed conflict;

5. *Urges* States to provide age-, disability- and gender-sensitive humanitarian assistance, including specialized child protection services, to children in the context of humanitarian situations, including refugee and displaced children, that takes into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence, who have suffered persecution, who are the primary caregivers of families, who have disabilities or who are unaccompanied or separated;

6. *Also urges* States, in accordance with their obligations under international law, to take all appropriate steps to facilitate the reunification of families separated in armed conflict, including, where relevant, by establishing a national bureau to receive information from and transmit information to family members, by supplying to the Central Tracing Agency of the International Committee of the Red Cross information concerning

[40] A/HRC/37/33.

persons reported missing and by encouraging the work of the humanitarian organizations engaged in the task of family tracing and reunification, and, in cases where no parents or other family members of a child can be found, to ensure that the child is accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason;

7. *Calls upon* States to put in place, if they have not yet done so, appropriate policies, systems and procedures to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and to use alternatives to the detention of migrant children, including by promoting the use of non-custodial solutions, implemented by competent child protection actors engaging with the child and, where applicable, his or her family;

8. *Urges* States, in accordance with their obligations under international law, to take all feasible measures to ensure that children who have not yet attained the age of 18 do not take direct part in hostilities, to refrain from recruiting children under the age of 15 into their armed forces, and to ensure that persons who have not attained the age of 18 are not compulsorily recruited into their armed forces;

9. *Strongly condemns* the recruitment and use of children in violation of applicable international law, and calls upon States to take all feasible measures to implement effective measures for the rehabilitation and physical and psychological recovery of those who have been so recruited or used and for their reintegration into society, in particular through educational measures, taking into account the rights and specific needs of girls;

10. *Urges* States to ensure that timely and adequate funding and attention is dedicated to children in the contexts of national disarmament, demobilization and reintegration programmes and of settlement, rehabilitation and reintegration efforts for children associated with armed forces and groups, including detained children, and to secure the long-term sustainability of such efforts;

11. *Calls upon* States to protect children in the context of humanitarian situations from all forms of sale of children, including illegal adoption, and from all forms of trafficking in persons, including by training all stakeholders to identify potential child victims of trafficking and children at risk of being trafficked;

12. *Welcomes* the determination of the Secretary-General to implement fully the United Nations policy of zero tolerance of sexual exploitation and abuse;

13. *Invites* all stakeholders to promote the use of the Inter-Agency Standing Committee's Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, the Minimum Standards for Child Protection in Humanitarian Action and the Inter-Agency Guiding Principles on Unaccompanied and Separated Children;

14. *Calls upon* States to develop, in consultation with children consistent with their evolving capacities, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of girls to child, early and forced marriage and to protect children, especially girls, from sexual and gender-based violence, exploitation and abuse during humanitarian emergencies and situations of forced displacement, armed conflict and natural disaster, including by ensuring that health-care and education services, goods and facilities are available, accessible, acceptable and of quality and that safe counselling, reporting and complaint mechanisms are available to and accessible by all child victims of violence, including sexual violence;

15. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of migrants, non-nationals, asylum seekers, refugees, displaced and stateless persons, in accordance with their national law and their obligations under the relevant international instruments, that late birth registration should be limited to those cases that would otherwise result in a lack of registration and that the child has the rights from birth to a name, to acquire a nationality and, as far as possible, to know and be cared for by his or her parents;

16. *Calls upon* States to take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to, inter alia, natural disasters, emergencies or armed conflict situations, including through the use of digital and new technologies as a means to facilitate and universalize access to civil registration records, including birth registration;

17. *Urges* States, with the collaboration of relevant stakeholders and considering their obligation to ensure to the maximum extent possible the survival and development of the child, to take all measures necessary to ensure that no child is denied access to humanitarian assistance and to meet the needs of children in the context of humanitarian situations, including protection from all forms of violence, exploitation and abuse, including sexual and gender-based violence, the provision of safe drinking water and sanitation, food, shelter and health-care services, including with regard to immunization, nutrition, mental and psychological support and sexual and reproductive health-care services, rehabilitation and education;

18. *Calls upon* States to ensure that all decision-making and assessments regarding children in the context of humanitarian situations are age-, gender- and disability-sensitive, and that civil registration and vital statistics are an integral part of humanitarian assessments;

19. *Strongly condemns* acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and the long-term consequences of such attacks for the civilian population, in particular children, and for the health-care systems of the countries concerned;

20. *Urges* States, in accordance with their obligations under relevant provisions of international human rights law, including the right of the child to the enjoyment of the highest attainable standard of physical and mental health, to promote the availability, quality, accessibility and acceptability of health-care services;

21. *Calls upon* States to respect, protect and fulfil the right of all children to education, including through increased emphasis on inclusive and quality education, and to promote school enrolment and retention among girls and children in vulnerable situations, such as children with disabilities, including in secondary school;

22. *Strongly condemns* all attacks directed against civilian objects dedicated to educational purposes and on their students and staff, including attacks aiming at spreading terror among the civilian population, calls upon States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools in violation of applicable international law, recognizes the negative impact that such attacks have on the progressive realization of the right to education, and encourages efforts to provide an inclusive, enabling and secure environment to ensure the safety of schools;

23. *Encourages* States to contemplate non-formal learning in the context of emergency response plans when formal education is not possible in order to ensure that education continues to be delivered;

24. *Encourages* States, local authorities, the United Nations system, regional organizations and civil society, and invites donors and other assisting countries, to address the vulnerabilities and capacities of children, particularly girls, through gender-responsive programming, including with regard to sexual and reproductive health and the means to prevent and respond to sexual and gender-based violence, various forms of exploitation and neglect, and harmful practices, such as child, early and forced marriage, during emergencies and in post-disaster environments, and through the allocation of resources in their disaster risk reduction, response and recovery efforts, in coordination with the Governments of affected countries;

25. *Calls upon* States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian situations on all issues affecting them, and to raise awareness about their rights through safe spaces, forums and support networks that provide children with information, life skills and leadership skills

training and opportunities to be empowered, to express themselves and to participate meaningfully, consistent with their evolving capacities, during and after an emergency;

26. *Also calls upon* States to ensure that the best interests of the child are a primary consideration in all actions concerning children, and recommends that States, in cooperation with international organizations and civil society, and the private sector as appropriate:

(a) Conduct child-inclusive planning and assess child protection needs and vulnerabilities when making age-, disability- and gender-sensitive provisions for emergency preparedness, humanitarian response and assistance;

(b) Promote child-centred innovation, empowering children to be agents of positive change and building their resilience through the development of innovative child-centred participatory approaches, encourage children to be involved in their own protection, and support them in developing self-protective skills;

(c) Fully consider the needs of children affected by armed conflict, including with regard to rehabilitation and reintegration;

(d) Mainstream prevention of and protection from sexual exploitation and abuse, child, early and forced marriage, female genital mutilation and violence against children, including sexual and gender-based violence, into emergency and humanitarian responses, and address the underlying factors that make children, especially girls, particularly vulnerable to these practices;

(e) Work to prevent family separation in the context of humanitarian situations and ensure without delay family tracing and reunification where it occurs, allocate sufficient resources to family reunification procedures to ensure the operational capacity to carry out evaluations in a reasonable time frame and to reduce the overall length of the process, and provide alternative care for children deprived of parental care or who are at risk of being so, taking into account the Guidelines for the Alternative Care of Children;

(f) Provide age-appropriate and gender-sensitive mental health and psychosocial support tailored to children in the context of humanitarian situations, based on respect for human rights and for their dignity, integrity and autonomy, to prevent and address distress, fear and trauma and to help to build their resilience; in particular, where a child has been a victim of violence or exploitation or has acquired an injury or disability, adopt durable solutions to ensure that the child has access to long-term care and protection, including health care, psychosocial support, social services and education, including human rights education, vocational training and life skills education;

(g) Increase and improve financing for education in emergencies so that children's right to education is recognized as a critical part of humanitarian responses;

(h) Create quality and meaningful child-friendly and gender-sensitive spaces to provide nurturing environments where children have access to play, recreation, leisure and learning activities, with child-friendly spaces serving as a referral mechanism to other services as appropriate, and to help to restore a sense of normality and continuity;

(i) Work towards ensuring that no child is denied access to humanitarian assistance and that all children are registered and identified;

(j) Ensure the safety and security of humanitarian personnel, and that humanitarian aid is delivered without impediment and in accordance with humanitarian principles;

Follow-up

27. *Encourages* the special procedures and other human rights mechanisms of the Human Rights Council to continue to integrate a child rights perspective while implementing their mandates, and to include in their reports information, qualitative analysis and recommendations on child rights;

28. *Invites* all human rights treaty bodies to continue to integrate the rights of the child into their work, in particular in their concluding observations, general comments and recommendations;

29. *Requests* the United Nations High Commissioner for Human Rights to contribute to the work of the high-level political forum on sustainable development on the follow-up to the 2030 Agenda for Sustainable Development, in consultation with relevant stakeholders, including the United Nations Children's Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, and civil society, in particular by providing comprehensive inputs from a child rights perspective to the yearly thematic reviews of progress at the forum, focusing on achievements and challenges, and taking into account the implementation of recommendations contained in previous Human Rights Council resolutions on the rights of the child;

30. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and to focus its next annual full-day meeting on the theme "Empowering children with disabilities for the enjoyment of their human rights, including through inclusive education", and requests the High Commissioner to prepare a report on that theme, in close cooperation with all relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, relevant special procedure mandate holders, regional organizations and human rights bodies, national human rights institutions and civil society, including children themselves, and to present it to the Human Rights Council at its fortieth session, with a view to providing information for the annual day of discussion on the rights of the child.

54th meeting
23 March 2018

[Adopted without a vote.]

37/21. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Reaffirming Human Rights Council resolutions 34/13 of 24 March 2017 and 36/10 of 28 September 2017 and General Assembly resolution 72/168 of 19 December 2017,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which all States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures that impede the full achievement of economic and social development, particularly in developing countries,

Taking note of the summary report of the Office of the United Nations High Commissioner for Human Rights on the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights,[41]

[41] A/HRC/37/31.

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, the right to development, international relations, trade, investment and cooperation,

Reaffirming that no State may use or encourage the use of any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Reaffirming also, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which are also enshrined in many international legal instruments,

Recognizing that unilateral coercive measures in the form of economic sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Alarmed by the fact that most current unilateral coercive measures have been imposed, at great cost in terms of the human rights of the poorest and of persons in vulnerable situations, on developing countries by developed countries,

Underlining that under no circumstances should people be deprived of their basic means of survival,

Recognizing that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws and regulations imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the seventeenth summit of Heads of State and Government of the Movement of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United

Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which establishes that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Reaffirming also that unilateral coercive measures are major obstacles to the implementation of the Declaration on the Right to Development,

Concerned that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Underlining that, in each situation worldwide, unilateral coercive measures have a negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law, and on the economy, peace, security and social fabric of States,

Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

Recalling also article 1 (2) common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Urges* all States to refrain from imposing unilateral coercive measures, also urges the removal of such measures, as they are contrary to the Charter and norms and principles governing peaceful relations among States at all levels, and recalls that such measures prevent the full realization of economic and social development of nations while also affecting the full realization of human rights;

3. *Urges* States to resolve their differences through dialogue and peaceful relations, and to avoid the use of economic, political or other measures to coerce another State with regard to the exercise of its sovereign rights;

4. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

5. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

6. *Expresses its grave concern* that any unilateral coercive measure imposed necessarily runs counter to some provisions of the International Bill of Human Rights or peremptory norms and other provisions of customary law, and entails adverse consequences for the enjoyment of human rights by innocent people;

7. *Also expresses its grave concern* that, in some countries, the socioeconomic conditions of family members, particularly women and children, are adversely affected by unilateral coercive measures, imposed and maintained contrary to international law and the Charter, that create obstacles to trade relations among States, restrict movement through various means of transport, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

8. *Reiterates* its call upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are a party by putting an immediate end to such measures;

9. *Reaffirms* in this context the right of all peoples to self-determination by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

10. *Also reaffirms*, as enshrined in the Charter, its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State;

11. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

12. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

13. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development, and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

14. *Rejects* all attempts to introduce unilateral coercive measures, and the increasing trend in this direction, including through the enactment of laws with extraterritorial application;

15. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly

urges States to avoid and refrain from any unilateral measure in building the information society;

16. *Stresses* the need for an independent mechanism of the United Nations human rights machinery for the victims of unilateral coercive measure to address the issues of remedies and redress, with a view to promoting accountability and reparations;

17. *Urges* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures and to cooperate with the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights in fulfilling his mandate;

18. *Recognizes* the importance of the quantitative and qualitative documentation of the negative impact associated with the application of unilateral coercive measures in the context of ensuring the accountability of those responsible for human rights violations resulting from the application of unilateral coercive measures against any State;

19. *Acknowledges* the need to ensure that all relevant United Nations human rights treaty bodies and subsidiary organs of the Human Rights Council mainstream the issue of the negative impact of unilateral coercive measures on the enjoyment of human rights and perform specific activities, such as during the review of periodic reports submitted by States to such bodies and under the universal periodic review;

20. *Decides* to give due consideration to the issue of the negative impact of unilateral coercive measures on human rights in its task concerning the implementation of the right to development;

21. *Welcomes* the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights;[42]

22. *Requests* the Special Rapporteur to identify and propose concrete measures to ensure the removal of unilateral coercive measures affecting the enjoyment of human rights of victims, and to focus on the resources and compensation necessary to promote accountability and reparations for victims in his next reports to the Human Rights Council and to the General Assembly;

23. *Also requests* the Special Rapporteur, taking into account the views of Member States, to identify a set of elements to be considered, as appropriate, in the preparation of a draft United Nations declaration on the negative impact of unilateral coercive measures on the enjoyment of human rights, and to submit those elements to the Human Rights Council in his next report;

24. *Recognizes* the importance of the role of the Office of the United Nations High Commissioner in addressing the challenges arising from unilateral coercive measures and their negative impact on the human rights of peoples and individuals who wish to realize their economic and social rights, including the right to development;

25. *Requests* the High Commissioner, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report;

26. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his tasks, and to provide all necessary information requested by him;

27. *Urges* the High Commissioner, relevant special procedures of the Human Rights Council and the treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose rights have been violated as the result of unilateral coercive measures;

[42] A/HRC/36/44.

28. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal;

29. *Decides* to continue its consideration of the issue of the negative impact of unilateral coercive measures on human rights in accordance with its programme of work.

54th meeting
23 March 2018

[Adopted by a recorded vote of 28 to 15, with 3 abstentions. The voting was as follows:

In favour:

Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Afghanistan, Brazil, Mexico]

37/22. Equality and non-discrimination of persons with disabilities and the right of persons with disabilities to access to justice

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Recalling also the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all of its previous resolutions on the rights of persons with disabilities, the most recent of which was resolution 31/6 of 23 March 2016 on the rights of persons with disabilities in situations of risk and humanitarian emergencies, and welcoming the efforts of all stakeholders to implement those resolutions,

Recalling General Assembly resolution 72/162 of 19 December 2017 on the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities,

Reaffirming that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

Recalling in particular that article 5 of the Convention reaffirms that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law, and provides that States shall prohibit all discrimination on the basis of disability, guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds and, in order to promote equality and eliminate discrimination, shall take all appropriate steps to ensure that reasonable accommodation is provided,

Recalling in that regard that specific measures that are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination,

Mindful that any distinction, exclusion or restriction on the basis of disability that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political,

economic, social, cultural, civil or any other field constitutes discrimination on the basis of disability, which includes the denial of reasonable accommodation,

Recognizing that participation, accountability, non-discrimination and empowerment are fundamental principles of a human rights-based approach to disability, and noting article 3 of the Convention in that regard,

Mindful of the need to incorporate a gender perspective in all efforts to promote the full enjoyment by persons with disabilities of human rights and fundamental freedoms,

Recalling the general principles reflected in the Convention, namely, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, equality between men and women, and respect for the evolving capacities of children with disabilities,

Emphasizing that the enjoyment of equality and non-discrimination and the right to effective access to justice on an equal basis with others are closely linked to the enjoyment of the full range of human rights by persons with disabilities,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in achieving equality and non-discrimination, and effective access to justice on an equal basis with others,

Emphasizing that taking all appropriate steps to ensure the provision of reasonable accommodation is essential to promoting equality and eliminating discrimination,

Deeply concerned that girls and women of all ages with disabilities are subject to multiple, aggravated or intersecting forms of discrimination that affect their enjoyment of their human rights, including their ability to have access to justice on an equal basis with others, and that those forms of discrimination stem from harmful stigma and stereotypes based on gender and disability, and bearing in mind the risk of segregation, violence and abuse, including sexual violence and abuse, against women and girls with disabilities, including that occurring in the home, in families, in institutions and carried out by support providers,

Deeply concerned also at the negative impact of those laws and practices on the rights of persons with disabilities that provide inadequate support to such persons to exercise their legal capacity on an equal basis with others, which has a negative impact on the enjoyment of equality and non-discrimination and in some cases that deny their right to effective access to justice on an equal basis with others or allow for their forced institutionalization on the basis of a real or perceived disability,

Emphasizing that access to procedural and age-appropriate accommodations is essential to facilitating the effective role of persons with disabilities as direct and indirect participants, including as witnesses, in all legal proceedings, including at the investigative and other preliminary stages, and highlighting the key role of States in promoting appropriate training for those working in the field of administration of justice, including police and prison staff, in order to help to ensure effective access to justice for persons with disabilities, as recognized in article 13 of the Convention,

Noting the cross-cutting nature of equality and non-discrimination in the 2030 Agenda for Sustainable Development, which has an impact on all the Sustainable Development Goals, noting in particular Goal 10 and the specific reference in target 16.3 to ensuring equal access to justice for all and in target 17.18, to increasing significantly the availability of high-quality, timely and reliable data disaggregated by, inter alia, disability and other characteristics relevant in national contexts, as a means to measure the advancement under the 2030 Agenda and to ensure that no one is left behind,

Noting also that, in 2019, the high-level political forum on sustainable development will review Goals 10 and 16 under the theme "Empowering people and ensuring inclusiveness and equality",

Welcoming the work of the Special Rapporteur on the rights of persons with disabilities, and taking note with appreciation of her reports,[43]

Welcoming also the work of the Committee on the Rights of Persons with Disabilities, and taking note with appreciation of its general comments,

Welcoming further the work undertaken by the task force on secretariat services, accessibility for persons with disabilities and use of information technology,

1. *Welcomes* the fact that, to date, 176 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, which has 160 signatories, and that 92 States have signed and 92 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Welcomes* the reports of the Office of the United Nations High Commissioner for Human Rights on the thematic studies on the right of persons with disabilities to equality and non-discrimination,[44] and the right to access to justice on an equal basis with others,[45] and calls upon all stakeholders to consider the findings and recommendations in those studies with a view to their implementation, where appropriate;

4. *Calls upon* States to take effective and appropriate measures to remove all barriers preventing persons with disabilities from having effective access to justice on an equal basis with others, and to ensure the full enjoyment of equality and non-discrimination by persons with disabilities in the fields of equality and non-discrimination and access to justice, such as by:

(a) Guaranteeing equal recognition before the law of persons with disabilities and ensuring that they have the opportunity to exercise their legal capacity on an equal basis with others in all aspects of life, as recognized in article 12 of the Convention;

(b) Adopting laws and policies to address and reduce inequalities, including by facilitating accessibility, working actively to change negative perceptions and attitudes and providing for inclusive environments;

(c) Taking specific measures to combat discrimination, particularly structural discrimination, and providing effective monitoring tools and remedies to improve the enforcement of these specific measures;

(d) Taking measures to ensure protection against all kinds of discrimination, including by integrating the Convention into national law, where appropriate, providing tools and guidelines to apply its provisions and innovative aspects, empowering persons with disabilities with regard to their rights, building the capacity of public officials, including judges and monitoring agents, and ensuring effective remedies and proper redress and reparation to victims of discrimination;

(e) Taking all appropriate measures to eliminate all situations of gender-based discrimination against women and girls with disabilities of all ages, who face an increased vulnerability to violence, abuse, discrimination and negative stereotyping;

(f) Improving or adopting legal and regulatory frameworks that identify those responsible for providing accommodation in all areas of the law, providing guidelines and protocols for their implementation, assuring flexibility in their policies and budgets to accommodate specific requests, and laying out appropriate procedures and criteria to

[43] A/HRC/37/56 and Adds. 1–2.
[44] A/HRC/34/26.
[45] A/HRC/37/25.

objectively assess when a requested ac[illegible]ion imposes a disproportionate or undue burden, ensuring a case-by-case approach;

(g) Ensuring that the principles of equality and non-discrimination for persons with disabilities are integrated across the implementation of the 2030 Agenda for Sustainable Development;

(h) Amending civil, criminal and procedural laws that prevent persons with disabilities from directly or indirectly participating in judicial or administrative processes on an equal basis with others, including those measures that grant third-party representation in law or in fact without free and informed consent or by denying legal standing;

(i) Implementing laws and policies that ensure that information needed to defend rights is accessible to persons with disabilities on an equal basis with others and that free and affordable legal aid is provided to persons with disabilities as appropriate, in all areas of law;

(j) Repealing or revising laws that have the effect of denying the right to a fair trial to any person with disabilities, adopting laws to prohibit practices that act as a barrier to justice for persons with disabilities, and enacting and implementing anti-discrimination measures, including providing procedural accommodations when necessary in all legal proceedings;

(k) Reforming legislation that has the effect of depriving persons with disabilities of legal capacity on an equal basis with others, including legislation affecting the right to a fair trial, including the presumption of innocence, the right to be tried in person and defend oneself in person or through legal counsel of one's choosing, the right to examine witnesses for the prosecution and to obtain evidence and examine witnesses on one's behalf, and the right not to be compelled to testify or confess guilt, among other procedural safeguards and fair trial guarantees;

(l) Providing an effective remedy for violations of human rights, taking into consideration the specific circumstances of the person with disability, addressing systemic change, including acknowledgement of the facts and acceptance of responsibility as a component of satisfaction, and providing guidance for legal and policy reform and capacity-building as guarantees of non-repetition;

(m) Enabling persons with disabilities in their role as witnesses, jurors, experts, judges, lawyers or other interlocutors within the justice system to exercise their right to participate in public and political life on an equal basis with others;

(n) Providing training to judicial officers, lawyers and others, including forensic experts, prison staff and the police, on the human rights of persons with disabilities in order to overcome barriers in their effective access to justice, on an equal basis with others;

5. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities and to promote gender equality in order to ensure the equal enjoyment of their rights, in particular to equality and non-discrimination and access to justice on an equal basis with others;

6. *Also urges* States to take all appropriate measures to eliminate discrimination on the basis of gender and/or impairment by any person, organization or private enterprise, ensuring access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination and violence against women and girls with disabilities;

7. *Encourages* States to engage in international cooperation efforts at all levels aimed at enhancing their national capacities to guarantee fully the right of persons with disabilities to equality and non-discrimination and access to justice on an equal basis with others, encourages the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in that regard;

8. *Also encourages* States to integrate in their reports to the high-level political forum on sustainable development advances made with regard to the rights of persons with disabilities as reflected in laws, policies and practices developed relevant to the commitments under the 2030 Agenda for Sustainable Development, and to develop human rights indicators and collect data disaggregated by age, sex and disability to inform those indicators using the Washington Group on Disability Statistics short set of questions for disaggregation;

9. *Calls upon* States to ensure that all international cooperation is inclusive of persons with disabilities and does not contribute to creating new barriers for them;

10. *Also calls upon* States to consider becoming party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

11. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its fortieth session and that it will focus on article 26 of the Convention, on habilitation and rehabilitation, and will have international sign interpretation and captioning;

12. *Also decides* that an interactive debate on the rights of persons with disabilities will be held at its forty-third session, and that the debate will focus on article 8 of the Convention, on awareness-raising, and will have international sign interpretation and captioning;

13. *Requests* the Office of the High Commissioner to prepare its next annual thematic study on the rights of persons with disabilities on article 26 of the Convention, and to prepare its subsequent study on article 8 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, the studies themselves and an easy-to-read-version of them, be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the fortieth session of the Human Rights Council;

14. *Encourages* the task force on secretariat services and accessibility for persons with disabilities to report orally to the Human Rights Council on its work and on the progress made on the implementation of its accessibility plan;

15. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

16. *Encourages* representative organizations of persons with disabilities, civil society, national mechanisms as described in article 33 of the Convention, and national human rights institutions to participate actively in the debates referred to in paragraphs 11 and 12 above and in regular and special sessions of the Council and its working groups;

17. *Requests* the Secretary-General, the High Commissioner and United Nations offices to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

18. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

19. *Decides* to remain seized of the matter.

54th meeting
23 March 2018

[Adopted without a vote.]

37/23. Promoting mutually beneficial cooperation in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling previous resolutions adopted by the General Assembly and the Human Rights Council on international cooperation in the field of human rights,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that all human rights derive from the dignity and worth inherent in the human person and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming further that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Reaffirming that the work of the Human Rights Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Acknowledging the important role that mutually beneficial cooperation among all relevant stakeholders can play in promoting and protecting all human rights in an increasingly interrelated world,

Emphasizing the responsibility of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Emphasizing also that genuine dialogue and cooperation in the field of human rights should be constructive and based on universality, indivisibility, non-selectivity, non-politicization, equality and mutual respect, with the aim of promoting mutual understanding, expanding common ground and strengthening constructive cooperation, including through capacity-building and technical cooperation,

Considering that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and international law and based on the principles of cooperation and genuine dialogue, makes an effective and practical contribution to preventing violations of human rights and fundamental freedoms and strengthening the capacity of States to comply with their human rights obligations for the benefit of all human beings,

Recognizing the importance of technical assistance and capacity-building provided in consultation with, and with the consent of, the States concerned in promoting mutually beneficial cooperation in the field of human rights,

Recognizing also the role of the universal periodic review in, inter alia, promoting the universality, interdependence, indivisibility and interrelatedness of all human rights, establishing a cooperative mechanism based on objective and reliable information and on interactive dialogue, and ensuring universal coverage and equal treatment of all States in

contributing to the promotion and protection of human rights and mutually beneficial cooperation,

Recognizing further that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Recognizing the importance of fostering international relations based on mutual respect, fairness, justice and mutually beneficial cooperation, and of building a community of shared future for human beings in which human rights are enjoyed by all,

1. *Calls upon* all States to uphold multilateralism and to work together to promote mutually beneficial cooperation in the field of human rights, and encourages other stakeholders, including international and regional organizations and non-governmental organizations, to contribute actively to this endeavour;

2. *Reiterates* the important role of technical assistance and capacity-building in promoting and protecting human rights, calls upon States to strengthen human rights technical assistance and capacity-building through mutually beneficial cooperation, upon the request of and in accordance with the priorities set by the States concerned, and welcomes in this regard North-South, South-South and triangular cooperation;

3. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States, and calls upon all States and relevant stakeholders to participate constructively in it;

4. *Invites* relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutually beneficial cooperation in promoting and protecting all human rights;

5. *Requests* the Human Rights Council Advisory Committee to conduct a study on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights, and to submit a report thereon to the Human Rights Council before its forty-third session.

54th meeting
23 March 2018

[Adopted by a recorded vote of 28 to 1, with 17 abstentions. The voting was as follows:

In favour:

Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mexico, Mongolia, Nepal, Nigeria, Pakistan, Panama, Philippines, Qatar, Saudi Arabia, Senegal, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

United States of America

Abstaining:

Afghanistan, Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland]

37/24. Promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and all other human rights instruments,

Reaffirming General Assembly resolution 60/251 of 3 April 2006, in which the Assembly decided that the work of the Human Rights Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Reaffirming also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling relevant resolutions adopted by the Human Rights Council,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

Reaffirming the central role of the high-level political forum on sustainable development in providing political leadership, guidance and recommendations for sustainable development and in following up on and reviewing progress in the implementation of sustainable development commitments,

Noting the contribution of international human rights mechanisms, including the treaty bodies, the special procedures of the Human Rights Council and the universal periodic review, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Noting also the important role that technical cooperation and capacity-building can play in building States' capacities to implement the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

Recalling that the organizations of the United Nations system and other relevant intergovernmental organizations are invited to contribute within their respective mandates to the discussions of the high-level political forum on sustainable development,

1. *Decides* to organize two one-day intersessional meetings for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development, which will provide a space for States, relevant United Nations and regional human rights mechanisms, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations to voluntarily share good practices, achievements, challenges and lessons learned in the promotion and protection of human rights and the implementation of the 2030 Agenda;

2. *Also decides* that the focus of each of the above-mentioned meetings will reflect the stated themes of the 2019 and 2020 meetings of the high-level political forum on sustainable development;

3. *Further decides* that the meetings should be held in advance of the 2019 and 2020 meetings of the high-level political forum;

4. *Requests* the United Nations High Commissioner for Human Rights to organize the two meetings in consultation with Member States, relevant United Nations agencies, funds and programmes, international human rights mechanisms, national human rights institutions, civil society organizations and other relevant stakeholders, and to facilitate their participation in the two meetings, as appropriate;

5. *Also requests* the High Commissioner to provide, for the above-mentioned one-day inter-sessional meetings, all the services and facilities necessary to make the discussions fully accessible to persons with disabilities;

6. *Requests* the President of the Human Rights Council to appoint for each meeting, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the meeting from candidates nominated by members and observers of the Council; the chair, together with the Office of the High Commissioner, shall be responsible for the preparation of summary reports of the discussions of the meetings, to be made available to all its participants, and for their presentation to the Council at its fortieth and forty-third sessions, respectively;

7. *Decides* that the summary reports of the discussions of the two meetings should be made available to the high-level political forum on sustainable development.

54th meeting
23 March 2018

[Adopted without a vote.]

37/25. The need for an integrated approach to the implementation of the 2030 Agenda for Sustainable Development for the full realization of human rights, focusing holistically on the means of implementation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also the Declaration on the Right to Development, which recognizes that States have the right and the duty to formulate appropriate national development policies that are aimed at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom,

Recalling further that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, including full respect for international law, is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recalling that the Sustainable Development Goals seek to build on the Millennium Development Goals and complete what these did not achieve, to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development: the economic, the social and the environmental,

Recalling also that the 2030 Agenda has been accepted by all States and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities, and that these are universal goals and targets that involve the entire world, developed and developing States alike,

Recalling further that the 2030 Agenda, its Goals and targets, including the means of implementing them, are universal, indivisible and interlinked,

Recalling that the means of implementing the targets under Goal 17 and under each Sustainable Development Goal are key to realizing the 2030 Agenda and are of equal importance with the other Goals and targets,

1. *Reaffirms* that the 2030 Agenda for Sustainable Development is grounded in and seeks to realize human rights and fundamental freedoms for all, and calls upon States to focus on implementing the 2030 Agenda in an integrated and holistic manner;

2. *Also reaffirms* the central role of the high-level political forum on sustainable development, which meets under the auspices of the General Assembly and the Economic and Social Council and has a mandate to oversee a network of processes for the follow-up to and review of the 2030 Agenda at the global level;

3. *Takes note* of the reports of the Secretary-General, on critical milestones towards coherent, efficient and inclusive follow-up to and review of the 2030 Agenda at the global level,[46] and on progress towards the Sustainable Development Goals;[47]

4. *Decides* to invite the President of the Economic and Social Council, commencing in 2018, to brief, on an annual basis, the Human Rights Council, during one of its regular sessions, on the discussions of the high-level political forum, including on gaps, challenges and progress in the implementation of the 2030 Agenda, focusing on the means of implementation taken together as an integrated package;

5. *Also decides* to remain seized of this issue.

54th meeting
23 March 2018

[Adopted without a vote.]

37/26. Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, and other relevant international instruments,

Recalling its resolutions 7/25 of 28 March 2008, 22/22 of 22 March 2013 and 28/34 of 27 March 2015 on the prevention of genocide,

Considering that the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for Member States and the international community to reaffirm the significance of the Convention and to continue their efforts to prevent and punish the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

[46] A/70/684.
[47] E/2017/66.

Taking into consideration the fact that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Condemning impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Acknowledging the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

Acknowledging also the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,[48] and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity and promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing that an important factor in the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Noting with concern that attempts to deny or to justify the crime of genocide as defined in the Convention and established as such under international law may risk undermining the fight against impunity, reconciliation and efforts to prevent genocide,

[48] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19, A/HRC/15/33 and A/HRC/17/21.

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations,

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

Taking note of the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Recalling the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan[49] and the activities of the Special Adviser,[50] as well as of the convening of five interactive dialogues with the Special Adviser at the third, seventh, tenth, twenty-fifth and thirty-first sessions of the Council,

Recalling also the 2005 World Summit Outcome,

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union and other national, regional and international initiatives,

Acknowledging also the successful outcome of the regional forums on the prevention of genocide — the first, in Buenos Aires, from 10 to 12 December 2008; the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 — and noting the first international meeting of Global Action Against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014, and the second, held in Manila from 2 to 4 February 2016,

Acknowledging further that victims of and others affected by the crime of genocide as defined in the Convention call for a form of memorialization, which plays an important role in the prevention of genocide,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

[49] E/CN.4/2006/84.

[50] A/HRC/7/37 and A/HRC/10/30.

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to those States that have done so since the adoption by the Human Rights Council of its resolution 28/34, namely Benin, Malawi and Tajikistan;

6. *Welcomes* the launch of the appeal by the Special Adviser on the Prevention of Genocide for the universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide on the sixty-ninth anniversary of the Convention and the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime;

7. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

8. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and regional organizations, aimed at fostering the principles enshrined in the Convention;

9. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

10. *Recognizes* the important role of the Secretary-General in contributing to the prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

11. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

12. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

13. *Reiterates* the importance of its universal periodic review mechanism, which is an important instrument for advancing human rights, and invites States to include, where appropriate, information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

14. *Urges* all States to implement accepted universal periodic review recommendations relating to the prevention of genocide, war crimes and crimes against humanity;

15. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention, and to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

16. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

17. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

18. *Invites* Member States and regional and subregional organizations to look at examples of best practices for the prevention of genocide developed in other regions, where appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

19. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

20. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

21. *Notes* the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, and other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

22. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, that will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and to create a safer future;

23. *Welcomes* the adoption by consensus of General Assembly resolution 69/323 on 11 September 2015, in which the Assembly proclaimed 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime;

24. *Requests* the Secretary-General, in collaboration with the Office on Genocide Prevention and the Responsibility to Protect and with relevant entities of the United Nations system, Governments and other stakeholders, to help to ensure the success of the observance by the United Nations of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of This Crime and to assist

Member States, upon request and in compliance with the provisions of resolution 69/32[1] relating to funding, in organizing activities for the observance of the International Day;

25. *Invites* the Special Adviser on the Prevention of Genocide to continue to execute the activities under his mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

26. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

27. *Also requests* the Secretary-General to prepare a follow-up report based on information provided by States on the implementation of the provisions of the present resolution, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide, and to submit the report to the Human Rights Council at its forty-first session;

28. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize at the thirty-ninth session of the Human Rights Council a high-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, to be followed by an interactive dialogue with the Special Adviser on the Prevention of Genocide;

29. *Also requests* the Office of the High Commissioner to prepare a summary report on the high-level panel discussion and to submit it to the Human Rights Council at its fortieth session;

30. *Decides* to continue its consideration of this issue in accordance with its programme of work.

54th meeting
23 March 2018

[Adopted without a vote.]

37/27. Terrorism and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning human rights and terrorism, the most recent of which are Assembly resolutions 72/180 of 19 December 2017 and 72/246 of 24 December 2017, and Human Rights Council resolutions 34/8 of 23 March 2017 and 35/34 of 23 June 2017,

Emphasizing that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming the obligation of States to respect all human rights and fundamental freedoms and the fundamental importance of respecting the rule of law,

Reaffirming also its unequivocal condemnation of all acts, methods and practices of terrorism and violent extremism conducive to terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism as unjustifiable in accordance with applicable international law,

Recognizing that terrorism and violent extremism conducive to terrorism have a detrimental effect on the full enjoyment of all human rights and fundamental freedoms, and impede the full enjoyment of political, civil, economic, social and cultural rights, and that

they pose a threat to the territorial integrity and security of States, the stability of Governments, the rule of law and democracy and, ultimately, to the functioning of societies and international peace and security,

Emphasizing that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, and that tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding and respect among people, including at the national, regional and global levels, while combating the escalation of hatred, are among the most important elements in the promotion of cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to that end,

Reaffirming that States must ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law,

Reaffirming also its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, as adopted by the General Assembly in its resolution 60/288 of 8 September 2006, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism, and its fifth review, in General Assembly resolution 70/291 of 1 July 2016,

Reaffirming further that the promotion and the protection of human rights for all and the rule of law are essential to the fight against terrorism and violent extremism conducive to terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

Deploring attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including all deliberate destruction of relics, monuments or religious sites,

Strongly condemning the recruitment and use of children to perpetrate terrorist attacks and all violations and abuses committed by terrorist groups against children and women, including killing and maiming, abduction and rape and other forms of sexual violence, and noting that such violations and abuses may amount to war crimes or crimes against humanity,

Deeply deploring the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

Expressing its grave concern at the phenomenon of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to tackle this phenomenon, in accordance with their obligations under international law, including international human rights law, international refugee law and international humanitarian law,

Recognizing that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the factors underlying terrorism,

Conscious that there are a number of drivers underlying radicalization to terrorism, and that development based on the principles of social justice, inclusion and equal opportunities can contribute to the prevention of terrorism and violent extremism conducive to terrorism, and to the promotion of inclusive, open and resilient societies, notably through education, and affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and

fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

Renewing its unwavering commitment to strengthening international cooperation to prevent and combat terrorism and violent extremism conducive to terrorism in all their forms and manifestations, in compliance with the obligations of States under international law,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of all human rights;

2. *Stresses* the responsibility of States to protect persons in their territory against such acts, in full compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

3. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular human rights law, international refugee law and international humanitarian law;

4. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

5. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and providing them with proper support, assistance and rehabilitation while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

6. *Stresses* the importance of ensuring access to justice and accountability, and calls upon States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

7. *Also stresses* the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems in a manner that fully respects the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal, to a review of detention and to the presumption of innocence and other fundamental judicial guarantees, in accordance with their obligations under international law, including international human rights law, international humanitarian law and international refugee law;

8. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law;

9. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

10. *Also recognizes* the important role of women in preventing and countering terrorism and violent extremism conducive to terrorism, and requests States to consider, when appropriate, the impact of counter-terrorism strategies on women's and children's human rights, and to seek consultations with their respective organizations when developing strategies to counter terrorism and violent extremism conducive to terrorism;

11. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with and are applied in a manner that fully respects the rights enshrined in the Universal Declaration of Human Rights and the obligations of States under international human rights law, in particular the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principles of legal certainty and legality;

12. *Strongly condemns* terrorist acts and all acts of violence committed by terrorist groups, including trafficking in persons, kidnapping and hostage-taking with demands for ransom and/or political concessions, and the continued systematic and widespread abuses of human rights perpetrated by such groups, and calls upon all Member States to prevent terrorists from benefiting from ransom payment and political concessions and to secure the safe release of hostages, in accordance with applicable legal obligations, while noting the initiatives in this regard, including the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists;

13. *Urges* States to do all they can, in accordance with their obligations under international law, to prevent any political, material or financial support from reaching terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment, and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, by terrorist groups for any purpose, and to bring to justice or, where appropriate, extradite the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning or preparation of terrorist acts;

14. *Requests* States to refrain from providing support to entities or persons involved in terrorist acts, including support in establishing propaganda platforms advocating hatred that constitutes incitement to discrimination, hostility or violence, including through the Internet and other media, and emphasizes in this regard the key importance of full respect for the right to freedom of opinion and expression as set out in the International Covenant on Civil and Political Rights;

15. *Urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with good practices, such as those set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes, inter alia, the development of national centres for counsel and the prevention of radicalization to violence, which can play an important role together with criminal justice responses;

16. *Renews* its commitment to strengthening international cooperation to prevent and counter terrorism in accordance with international law, including the Charter of the United Nations, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and the exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

17. *Strongly encourages* relevant United Nations agencies, including those involved in supporting counter-terrorism efforts, to take into account in their technical assistance with regard to counter-terrorism efforts, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law, and to continue to facilitate the promotion and protection of human rights and fundamental freedoms, due process and the rule of law, while countering terrorism;

18. *Urges* States and the international community and encourages civil society to take measures, as appropriate, including through education, awareness-raising, the media and human rights education and training, to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures, and to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

19. *Emphasizes* that mutual respect, tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding, and combating intolerance, discrimination and hatred that constitutes incitement to discrimination, hostility or violence on the basis of religion or belief, or any other basis, including at the national, regional or global levels, are among the most important elements in promoting cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcomes the various initiatives to that end;

20. *Acknowledges* that the active participation of civil society can strengthen ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism and to assess the impact of terrorism on the enjoyment of all human rights, and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder their work and safety and are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

21. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms and on alleged violations of human rights and fundamental freedoms while countering terrorism and violent extremism conducive to terrorism, and to report regularly to the Human Rights Council.

54th meeting
23 March 2018

[Adopted without a vote.]

37/28. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 34/24 of 24 March 2017 and Assembly resolution 72/188 of 19 December 2017, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[51] which was welcomed by both the Human Rights Council and the General Assembly and transmitted to the relevant bodies of the United Nations, including the Security Council,

[51] A/HRC/25/63.

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly in its resolution 72/188 recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and the ability to monitor appropriately the entire distribution process, and by its national policy priorities that, among others, prioritize military spending, in particular nuclear and ballistic missile development, over citizens' access to food,

Acknowledging Security Council resolution 2397 (2017) of 22 December 2017, in which the Council noted that 41 per cent of the population of the Democratic People's Republic of Korea was undernourished, and General Assembly resolution 72/188, in which the Assembly noted with concern the findings of the United Nations that well over half of the people in the Democratic People's Republic of Korea suffered from major insecurities in food and medical care, including a very large number of pregnant and lactating women and children under 5 who were at risk of malnutrition, and nearly a quarter of its total population was suffering from chronic malnutrition, condemned the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, and emphasized the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017),

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence, and taking note in this regard of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second to fourth periodic reports of the Democratic People's Republic of Korea[52] and the concluding observations of the Committee on the Rights of the Child on the fifth periodic report of the Democratic People's Republic of Korea,[53]

Noting with appreciation the visit of the Special Rapporteur on the rights of persons with disabilities to the Democratic People's Republic of Korea, encouraging the Democratic People's Republic of Korea to implement all of the recommendations contained in the report of the Special Rapporteur on her visit to the Democratic People's Republic of Korea, submitted to the Human Rights Council at its thirty-seventh session,[54] and noting the participation of the Democratic People's Republic of Korea in the Paralympic Winter Games held in PyeongChang, Republic of Korea,

Acknowledging the participation of the Democratic People's Republic of Korea in the second cycle of the universal periodic review, noting the acceptance by the Government

[52] CEDAW/C/PRK/CO/2-4.
[53] CRC/C/PRK/CO/5.
[54] A/HRC/37/56/Add.1.

of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the urgency and importance of the issue of international abductions and of the immediate return of all abductees, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Noting also the importance of dialogue, including inter-Korean dialogue, for the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Welcoming the momentum of inter-Korean dialogue created on the occasion of the participation of the Democratic People's Republic of Korea in the Olympic Winter Games held in PyeongChang, and the recent progress in inter-Korean relations,

Noting the urgency and importance of the issue of separated families and the requests of the Republic of Korea for confirmation of the fate of family members, and allowing the exchange of letters, visits to their hometowns and the holding of further reunions on a larger scale and on a regular basis,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in and by the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(a) The denial of the right to freedom of thought, conscience and religion, and of the rights to freedom of opinion, expression and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(b) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(c) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(d) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(e) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(f) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge its crimes and human rights violations in and outside of the country, and to take immediate steps to end all such crimes and violations through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry and General Assembly resolution 72/188, including, but not limited to, the following steps:

(a) Ensuring the right to freedom of thought, conscience and religion, and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media;

(b) Ending discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and taking immediate steps to ensure gender equality and to protect women from gender-based violence;

(c) Ensuring the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(d) Promoting equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons, including individuals in detention;

(e) Halting immediately all human right violations relating to prison camps, including the practice of forced labour and the use of torture and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, and ensuring that justice sector reforms provide protections for fair trials and due process;

(f) Resolving the issue of all persons who have been abducted or otherwise forcibly disappeared, and their descendants, in a transparent manner, including by ensuring their immediate return;

(g) Ensuring the reunion of separated families across the border;

(h) Abolishing immediately the practice of guilt-by-association punishment;

(i) Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(j) Providing nationals of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

3. *Recalls* General Assembly resolution 72/188, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour;

4. *Also recalls* paragraph 11 of Security Council resolution 2371 (2017), paragraph 17 of Council resolution 2375 (2017) and, in particular, paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals of the Democratic People's Republic of Korea earning income in their jurisdictions and all Democratic People's Republic of Korea government safety oversight attachés monitoring Democratic People's Republic of Korea workers abroad immediately but no later than 24 months from 22

December 2017, unless the particular Member State determines that the national is a national of that Member State or is prohibited from repatriation under applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations or the Convention on the Privileges and Immunities of the United Nations, and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

5. *Recalls* paragraph 4 of General Assembly resolution 72/188, in which the Assembly underscored its very serious concern regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

6. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

7. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

8. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, and to ensure that these crimes do not remain unpunished;

9. *Welcomes* General Assembly resolution 72/188, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations, which the commission has said may constitute crimes against humanity;

10. *Also welcomes* the decision of the Security Council to hold a fourth Council meeting on 11 December 2017, following the ones held in December 2014, December 2015 and December 2016, during which the situation of human rights in the Democratic People's Republic of Korea was discussed, in the light of the serious concerns expressed in the present resolution, and looks forward to the continued and more active engagement of the Council on this matter;

11. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

12. *Welcomes* the report of the Special Rapporteur;[55]

13. *Recalls* the recommendations of the commission of inquiry and General Assembly resolution 70/172 of 17 December 2015 and reiterates the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the High Commissioner to strengthen those activities;

14. *Welcomes* the steps taken to strengthen the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability in its report aimed at strengthening current monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process, and strongly encourages the Office of the High Commissioner to expedite the process for strengthening its capacity;

15. *Reiterates* the request made by the Human Rights Council in its resolution 34/24 that the United Nations High Commissioner for Human Rights submit to the Council at its fortieth session a full report on the implementation of the recommendations made by the group of independent experts on accountability in its report to the Council at its thirty-fourth session;[56]

16. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 34/24, for a period of one year;

17. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

18. *Encourages* the continuing endeavours of the field-based structure of the Office of the High Commissioner in Seoul, welcomes its regular reports to the Human Rights Council, and invites the High Commissioner to provide the Council with regular updates on the situation of human rights in the Democratic People's Republic of Korea;

19. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources to fulfil its mandate, that it enjoys full cooperation with relevant Member States and that it is not subjected to any reprisals or threats;

20. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

21. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

22. *Urges* the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with all special procedure mandate holders, especially the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all

[55] A/HRC/37/69.

[56] A/HRC/34/66 and Add.1.

information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

23. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

24. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations, to take forward those recommendations;

25. *Encourages* the United Nations system as a whole to continue to address the grave situation of human rights in the Democratic People's Republic of Korea in a coordinated and unified manner;

26. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

27. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

28. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

55th meeting
23 March 2018

[Adopted without a vote.]

37/29. The human rights situation in the Syrian Arab Republic

For the text of the resolution, see chapter II.

37/30. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling Human Rights Council resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014, 28/21 of 27 March 2015, 31/19 of 23 March 2016 and 34/23 of 24 March 2017, General Assembly resolution 72/189 of 19 December 2017 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights

Council,[57] and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of the mandate to the Human Rights Council at its fortieth session and to the General Assembly at its seventy-third session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

55th meeting
23 March 2018

[Adopted by a recorded vote of 21 to 7, with 19 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Chile, Côte d'Ivoire, Croatia, Germany, Hungary, Japan, Mexico, Panama, Peru, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Iraq, Kyrgyzstan, Pakistan, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Brazil, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Georgia, Kenya, Mongolia, Nepal, Nigeria, Philippines, Qatar, Rwanda, Senegal, South Africa, Togo, Tunisia]

37/31. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Reaffirming that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights,

Recalling Human Rights Council resolution 34/25 of 24 March 2017, the twenty-sixth special session of the Council, including its resolution S-26/1 of 14 December 2016 on the situation of human rights in South Sudan, and its resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

[57] A/HRC/37/68.

Deeply alarmed by the report of the Commission on Human Rights in South Sudan,[58] in which it noted that some of the human rights violations may amount to war crimes and crimes against humanity, and that the conflict and violence in South Sudan includes attacks against civilians, the targeting of civilians on the basis of their ethnic identity, killings, abductions, torture, rape and other forms of sexual and gender-based violence, deliberate denial of food, the looting and destruction of homes and villages, violence against children, the recruitment or use of child soldiers, and attacks on schools and hospitals,

Welcoming the joint reports of the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan of January 2017, June 2017 and February 2018 and the recommendations contained therein, deeply concerned by their findings and welcoming the reports of the Secretary-General as well as the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) of 3 March 2015,

Noting with grave concern all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, and the Peace and Security Council of the African Union communiqué of 22 September 2017, in which the Council, inter alia, strongly condemned all acts of sexual and gender-based violence and the unlawful recruitment of children into military activities and called upon the Government of South Sudan to investigate alleged crimes and to hold those responsible to account without delay, and its communiqué of 8 February 2018, in which the Council, inter alia, reemphasized the call by the African Union upon South Sudan to urgently sign without further delay the memorandum of understanding on the establishment of the hybrid court for South Sudan,

Welcoming that the Government of South Sudan has committed to cooperating with the Office of the High Commissioner, the special procedures of the Human Rights Council, the universal periodic review and the Commission on Human Rights in South Sudan in the fulfilment of its mandate,

Calling upon all parties to the conflict to implement fully the Agreement on the Resolution of the Conflict in the Republic of South Sudan and to conclude a permanent ceasefire, reminding the parties of their international obligations, including those relating to the protection of civilians, as well as their obligations under the Cessation of Hostilities Agreement of 21 December 2017, expressing grave concern at the parties' continued, verified violations of that Agreement, and urging them to pursue the path of a peaceful resolution to the existing conflict through the Intergovernmental Authority on Development High-level Revitalization Forum,

Reiterating the concerns of the Human Rights Council at the ethnically motivated incitement to hatred and violence by all sides, reports of targeting of civilians based on ethnicity and widespread sexual and gender-based violence, the escalation of violence and the targeting of civilians and health-care facilities,

Expressing grave concern that 5.1 million South Sudanese are food insecure, that 1.9 million are internally displaced within South Sudan and that approximately 2.4 million are displaced outside the country, noting that the humanitarian crisis is caused primarily by conflict, commending humanitarian agencies for their continued assistance to the affected populations, and recalling the need for all parties to the conflict to allow and facilitate the full, safe and unhindered access of relief personnel, equipment and supplies free of unnecessary duties and taxes and the timely delivery of humanitarian assistance to all those in need, in particular to internally displaced persons and refugees, based on the United Nations guiding principles of humanitarian assistance, including humanity, neutrality, impartiality and independence,

Emphasizing the inviolability of United Nations premises, and underlining that targeting civilians and attacks against United Nations missions may constitute war crimes,

[58] A/HRC/37/71.

Condemning in the strongest terms all attacks against humanitarian personnel and facilities, which have resulted in the death of at least 95 humanitarian personnel since December 2013, expressing grave concern for the civilians who sought safety in protection-of-civilians sites who have been attacked, killed, traumatized or displaced, and the serious damage caused to the sites, including to medical clinics and schools, which were burned down and destroyed, and at sexual and gender-based violence against women and girls exiting protection-of-civilians sites throughout the country,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights, and recalling that the Government of South Sudan has the responsibility to protect all of its population in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Gravely concerned about ongoing reports of widespread sexual and gender-based violence committed against women and girls and instances of conflict-related rape and gang rape, coupled with beatings and abductions, recognizing the importance of providing timely assistance and protection to survivors of sexual and gender-based violence, including sexual and reproductive health, psychosocial, legal and livelihood support and other multisectoral services for survivors of sexual and gender-based violence, including working with communities to reintegrate those affected by sexual and gender-based violence, and taking into account the specific needs of persons with disabilities,

Emphasizing the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, expressing particular concern at the undue reduction of democratic space in South Sudan, including through undue restrictions on freedom of expression and the freedoms of peaceful assembly and association, attacks on journalists and media workers, and the limitations on the operations of civil society, human rights defenders and the media, and stressing the responsibility of the Government of South Sudan to address these issues in the interest of fostering an open and inclusive political environment,

Expressing concern that the situation in South Sudan continues to be characterized by impunity, while noting the steps being taken towards accountability,

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process, including by addressing accountability, reparations, truth-seeking and guarantees of non-recurrence, and underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

1. *Condemns in the strongest possible terms* the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving the targeted killing of civilians, ethnically targeted violence, and widespread sexual and gender-based violence, including rape and gang rape, which can be used as a weapon of war, the recurring recruitment and use of children, arbitrary arrests and detention, torture, the arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel by all parties, and the impunity for such violence by all armed groups, condemns the harassment and violence directed at civil society, human rights defenders, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all violations and abuses of human rights and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms;

3. *Notes with appreciation* the report of the Commission on Human Rights in South Sudan,[58] and the recommendations contained therein;

4. *Recognizes* the important role and efforts of the Intergovernmental Authority on Development in bringing forward the High-level Revitalization Forum to work towards a peaceful resolution to the conflict;

5. *Also recognizes* the important role of the Joint Monitoring and Evaluation Commission to support the Agreement on the Resolution of the Conflict in the Republic of South Sudan and its ceasefire provisions, and urges all parties and international partners to engage constructively with the Commission and other bodies created by the Agreement;

6. *Further recognizes* the important role played by the African Union High Representatives for South Sudan in support of an inclusive process for national dialogue and the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and urges all parties and international partners to engage constructively with the African Union Commission, the African Union High Representative for South Sudan and other bodies created by the Agreement;

7. *Stresses* that those responsible for violations of international humanitarian law and violations and abuses of human rights, including any that amount to war crimes or crimes against humanity, should be held accountable;

8. *Calls upon* the Government of South Sudan to investigate all violations and abuses of human rights and violations of international humanitarian law and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses before, during and after legal proceedings;

9. *Urges* the Government of South Sudan to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

10. *Strongly urges* all parties to end and prevent violations and abuses of human rights committed against children, and calls upon all parties to end immediately the unlawful recruitment of children to armed groups and to release all children that have been unlawfully recruited to date;

11. *Recognizes* the important role that women play in building peace, and calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

12. *Emphasizes* the need for the Government of South Sudan to ensure the participation of women during all stages and in all structures envisaged in the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the Intergovernmental Authority on Development High-Level Revitalization Forum;

13. *Supports* the establishment of transitional justice institutions, urges the Government of South Sudan to sign the memorandum of understanding with the African Union to establish the hybrid court for South Sudan to investigate and prosecute those responsible for violations or abuses of international human rights and international humanitarian law, where applicable, and/or applicable South Sudanese law, and calls upon all parties to cooperate fully in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including chapter V thereof;

14. *Notes with appreciation* that the Government of South Sudan has cooperated with the Office of the United Nations High Commissioner for Human Rights, the special procedures of the Human Rights Council and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate fully and constructively with and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan, and regional, subregional and international mechanisms on the ground;

15. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensure that

those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

16. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(a) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent further deterioration of the situation with a view to its improvement;

(b) To determine and report the facts and circumstances of, to collect and preserve evidence of, and to clarify responsibility for alleged gross violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the hybrid court for South Sudan, once established in cooperation with the African Union;

(c) To report on the factual basis for transitional justice and reconciliation;

(d) To provide guidance on transitional justice, including accountability and reconciliation and healing, as appropriate, and, once the Government of South Sudan has committed to cooperating with the African Union on establishing the hybrid court for South Sudan, to make recommendations on technical assistance to the Government to support accountability, reconciliation and healing;

(e) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan and the African Union, including by building upon the work of its Commission of Inquiry on South Sudan and its African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the Joint Monitoring and Evaluation Commission and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

(f) To make recommendations on technical assistance and capacity-building, as appropriate, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

17. *Strongly urges* the Government of South Sudan to appoint a special representative on sexual and gender-based violence, as previously called for by the Human Rights Council;

18. *Requests* the Office of the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Commission on Human Rights in South Sudan to carry out its mandate;

19. *Requests* the Commission on Human Rights in South Sudan to present an oral update to the Human Rights Council at its thirty-ninth session in an interactive dialogue, and to present a comprehensive written report, in an interactive dialogue, to the Council at its fortieth session;

20. *Also requests* the Commission on Human Rights in South Sudan to submit its report and recommendations to the Human Rights Council and then to share them with the African Union and all relevant organs of the United Nations, including the United Nations Mission in South Sudan;

21. *Decides* to remain seized of the matter.

55th meeting
23 March 2018

[Adopted without a vote.]

37/32. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming all relevant Human Rights Council and General Assembly resolutions and decisions on the situation of human rights in Myanmar, the most recent being Assembly resolution 72/248 of 24 December 2017, Council resolutions 34/22 of 24 March 2017 and S-27/1 of 5 December 2017, and Council decision 36/115 of 29 September 2017,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar, including the report submitted to the Human Rights Council at its current session,[59] and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to some parts of the country from 10 to 21 July 2017, while expressing deep concern at the decision of the Government to deny the Special Rapporteur access for a subsequent visit in January 2018,

Welcoming also the cooperation extended by the Governments of Bangladesh and Thailand, allowing in this context the Special Rapporteur to visit these two neighbouring countries from 10 to 30 January 2018, while calling upon the Government of Myanmar to resume its cooperation with the Special Rapporteur without delay,

Welcoming further the work of the independent international fact-finding mission on Myanmar and its oral updates to the Council, while deeply regretting that the Government of Myanmar is not cooperating with the fact-finding mission, and urging the Government to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

Recalling the requests made by the General Assembly in its resolution 72/248 that the Government of Myanmar grant full, unrestricted and unmonitored access for the fact-finding mission, other human rights mechanisms and relevant United Nations agencies to independently monitor the human rights situation, and to ensure that individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisal, intimidation or attack,

Acknowledging the request made by the United Nations High Commissioner for Human Rights during the special session of the Human Rights Council on the situation of human rights of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar that the Council, in view of the scale and gravity of the allegations, consider making a recommendation to the General Assembly that it establish a new impartial and independent mechanism, complementary to the work of the fact-finding mission and the recommendation made by the Special Rapporteur in her report on the situation of human rights in Myanmar,[60] that a structure be established, under the auspices of the United Nations, supported by the necessary expertise, for a duration of three years, to investigate, document, collect, consolidate, map and analyse evidence of human rights violations and abuses, and to maintain and prepare evidence in a depository to support and facilitate impartial, fair and independent criminal proceedings in national or international courts or tribunals in accordance with international law,

Acknowledging with grave concern the statements made by the Secretary-General, on 26 February 2018, the High Commissioner, on 7 March 2018, and the Assistant Secretary-General for Human Rights, on 6 March 2018, on the situation of human rights in Rakhine State, in which they referred to ethnic cleansing in Myanmar,

Welcoming the adoption of General Assembly resolution 72/248, in which the Assembly requested the Secretary-General to appoint a special envoy on Myanmar and to offer assistance to the Government of Myanmar,

Stressing that States have the primary responsibility for the promotion and protection of human rights,

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[59] A/HRC/37/70.

[60] A/HRC/34/67.

Recalling the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations and abuses of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Expressing concern at the reports of ongoing intimidation and violence against the remaining Rohingya population and other minorities in Myanmar,

1. *Welcomes* the positive developments in Myanmar towards political and economic reform, and calls upon the Government of Myanmar, including the security forces, to ensure that democratization, national reconciliation, good governance and the rule of law prevail, and urges the Government to take further steps to promote and protect human rights and combat corruption, and to address outstanding concerns;

2. *Calls upon* all actors to consolidate the democratic transition with full respect for the rule of law and human rights by bringing all national institutions, including the military, under civilian control, and to ensure the recognition of all ethnic and religious minorities and their equitable inclusion in the political process;

3. *Welcomes* the progress made towards the principles of a future democratic federal union during the Twenty-first Century Panglong Conference in May 2017 and the signing by the New Mon State Party and the Lahu Democratic Union of the Nationwide Ceasefire Agreement on 13 February 2018, bringing the number of signatories to the Agreement to 10, while expressing concern at the violations of the Agreement against signatory groups and the use of the Unlawful Associations Act to arrest members of ethnic and religious minorities on an arbitrary basis, and calls for further steps, including an immediate end to the violence and of all violations and abuses of international human rights law and violations of international humanitarian law, as applicable, in northern Myanmar, the granting of immediate, safe and unhindered humanitarian access, including to areas controlled by ethnic armed groups, in particular in Kachin and Shan States, and enhanced efforts to reach out to those ethnic armed groups that have not yet signed the Agreement, and the pursuit of an inclusive and comprehensive national political dialogue that ensures the full and effective participation of women and young people, as well as civil society, with the objective of achieving lasting peace;

4. *Recognizes* the first steps taken by the Government of Myanmar to address the underlying causes of the situation in Rakhine State, including by setting up the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and the Advisory Commission on Rakhine State, established on 5 September 2016 at the behest of the State Counsellor of Myanmar, Daw Aung San Suu Kyi, and chaired by former Secretary-General Kofi Annan, and welcomes the announcement by the Government of Myanmar that it would fully implement the recommendations of the final report of the Advisory Commission and the setting up of an implementation committee and an advisory board to that end, while urging the Government to implement the recommendations of the Advisory Commission without delay and with determination, in full consultation with all the communities concerned;

5. *Calls upon* the international community and regional organizations to provide support, including humanitarian and development assistance, to the Government of Myanmar for the implementation of the recommendations of the Advisory Commission on Rakhine State, including the recommendations on an inclusive, transparent and efficient citizenship verification process that provides participants with all the benefits, rights and freedoms associated with citizenship, ensuring equal access to essential social services for all Myanmar residents, including education and health care, and providing freedom of movement for them, and on finding sustainable solutions in building intercommunal harmony towards lasting peace, stability and prosperity for the benefit of the whole population;

6. *Calls upon* the Government of Myanmar to eliminate statelessness and systematic and institutionalized discrimination against members of ethnic and religious minorities, including by addressing the root causes of discrimination, in particular relating to the Rohingya minority, by, inter alia, reviewing the 1982 Citizenship Law, which has led to the deprivation of human rights; ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights by allowing for self-identification; amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control; lifting local orders restricting the right to freedom of movement and restricting access to civil registration, health services and education services; and facilitating durable solutions that allow internally displaced persons, refugees and camp populations to voluntarily return to their places of origin in safety, security and dignity; and to ensure non-discriminatory access to basic social services in accordance with international law;

7. *Strongly condemns* the reported widespread, systematic and gross human rights violations and abuses committed in Rakhine State since 25 August 2017 and, while reiterating its condemnation of attacks carried out by the Arakan Rohingya Salvation Army and other militant groups, expresses its deepest concern about the disproportionate response of the military and the security forces and deplores the serious deterioration of the security, human rights and humanitarian situation, the exodus of almost 700,000 Rohingya into Bangladesh and the subsequent depopulation of northern Rakhine State, and calls upon the Myanmar authorities to ensure that those responsible for human rights violations and abuses are held accountable;

8. *Calls for* a full and independent investigation of the reports of systematic human rights violations and abuses committed, as reported by various United Nations bodies, including the Human Rights Council independent international fact-finding mission, expresses the urgent need to ensure that all those responsible for crimes related to violations and abuses of international human rights law are held to account through credible and independent national or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal while acknowledging the authority of the Security Council under the Charter of the United Nations, including the authority to refer the situation in Myanmar to the International Criminal Court;

9. *Strongly urges* the Government of Myanmar to lift the curfew order in Rakhine State, to ensure freedom of movement and the safety and security of all persons without discrimination, to grant and facilitate immediate, safe and unhindered and sustained humanitarian access to United Nations agencies and their partners, and other domestic and international non-governmental organizations, to provide gender-responsive humanitarian assistance to all people in need of assistance in order to save lives and preserve human dignity throughout the country, to grant cooperation partners access without delay to permit the full resumption of aid programmes, to grant access to independent observers and representatives of the media, without fear of reprisals, and to safeguard those who report abuses;

10. *Welcomes* the signing by the Governments of Myanmar and Bangladesh of an "arrangement on the return of displaced persons from Rakhine" on 23 November 2017 and of a "physical arrangement for the repatriation of displaced Myanmar residents from Bangladesh" on 16 January 2018 as important first steps towards the safe, voluntary, dignified and sustainable return and repatriation of Rohingya refugees, acknowledges the cooperation of Bangladesh with the Office of the United Nations High Commissioner for Refugees, while urging all parties to invite the Office of the High Commissioner, the International Organization for Migration and other relevant international organizations to fulfil their mandates and to participate fully in the Joint Working Group on the Repatriation of Displaced Myanmar Residents from Bangladesh and in the implementation of the returns process to ensure effective and sustainable implementation, in accordance with international law;

11. *Acknowledges* the measures taken by the Government of Myanmar to prepare for the voluntary return of Rohingya refugees from Bangladesh, including through the

Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, while stressing the need for the creation of the conditions for safe, voluntary, dignified and sustainable return, with international oversight, preferably to their places of origin, providing returnees with freedom of movement, unimpeded access to livelihoods, social services, including health services, education and shelter, and compensating them for all losses, acknowledges also the importance of international oversight and monitoring of these processes, while noting with concern the continued departure of members of the remaining Rohingya population for Bangladesh, and calls for an end to the intimidation of those displaced and taking shelter in no man's land on the Myanmar-Bangladesh border;

12. *Strongly calls upon* the Government of Myanmar to expedite the safe, voluntary, dignified and sustainable return of all internally displaced persons in conditions of safety and dignity to their homes in Myanmar, including the approximately 120,000 Rohingya internally displaced persons currently in camps near Sittwe, in central Rakhine;

13. *Recognizes* the admission by the Myanmar military for the first time of the extrajudicial killing of 10 Rohingya villagers in Inn Din village, northern Rakhine State, while expressing concern that the Government of Myanmar has rejected credible reports of atrocities, reiterating grave concerns that reporters investigating the Inn Dinn killings have been jailed, and reiterating its calls upon the Myanmar authorities to cooperate with independent, credible and effective investigations into all allegations of human rights abuses and violations, including the gender dimension of such abuses and violations;

14. *Deeply regrets* that the Government of Myanmar has to date refused to cooperate with the independent international fact-finding mission appointed by the President of the Human Rights Council to establish the facts and circumstances of the alleged recent human rights violations by military and security forces and human rights violations and abuses in Myanmar, in particular in Rakhine State, including but not limited to arbitrary detention, torture and inhuman treatment, rape and other forms of sexual and gender-based violence, extrajudicial, summary or arbitrary killings, enforced disappearances, forced displacement and unlawful destruction of property, with a view to ensuring full accountability for perpetrators and justice for victims;

15. *Calls upon* the Government of Myanmar to cooperate fully with the fact-finding mission, including by making available information on the terms of reference and the findings of domestic investigations and other relevant information, and stresses the need for the fact-finding mission to be granted full, unrestricted and unmonitored access to all areas and interlocutors;

16. *Reiterates* the need for the fact-finding mission to be provided with all the resources and expertise necessary to carry out its mandate, including forensic science expertise and expertise on sexual and gender-based violence, to continue to fulfil its mandate until it presents its final report to the Human Rights Council at its thirty-ninth session, to be followed by an interactive dialogue, and requests the presentation of that report to the General Assembly at its seventy-third session, to be followed by an interactive dialogue with the fact-finding mission;

17. *Decides* that the fact-finding mission must ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by credible justice mechanisms, and requests the Secretary-General to allocate the resources necessary for this to be done;

18. *Strongly encourages* the Government of Myanmar to take the measures necessary to address discrimination and prejudice against women, children and members of ethnic, religious and linguistic minorities across the country, and to take further action to publicly condemn and speak out against national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and to adopt measures against incitement to imminent violence based on nationality, race or religion or belief, while upholding freedom of expression, and to increase efforts further to promote inclusion, respect for diversity and peaceful coexistence in all sectors of society, in accordance with Human Rights Council resolution 16/18 of 24 March 2011 and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to

discrimination, hostility or violence by, inter alia, further facilitating interfaith and intercommunal dialogue;

19. *Notes with deep concern* that charges for criminal defamation and other offences have increasingly been used to target journalists, politicians, students and social media users for their peaceful expression, online as well as offline, in particular under section 66 (d) of the Telecommunications Act, the Electronic Transactions Law and provisions of the Penal Code, including section 505 (b), and that the Official Secrets Act, Unlawful Associations Act and the Peaceful Assembly and Peaceful Procession Law continue to be abused to arbitrarily arrest and detain individuals for exercising their rights to freedom of religion or belief, freedom of expression, and peaceful assembly and association, including on the basis of their ethnicity or political beliefs, and calls for open and participatory legislative processes to repeal or reform those laws in line with the international human rights law obligations of the Government of Myanmar;

20. *Welcomes* the release of political prisoners in accordance with the obligation of the Government of Myanmar, and calls upon the Government to ensure that no one remains in prison because of his or her political or religious beliefs, including those recently detained or convicted, human rights defenders and students;

21. *Calls upon* the Government of Myanmar to fulfil its commitment to release unconditionally all remaining political prisoners and to provide for the full rehabilitation of former political prisoners, and to amend restrictive laws and to end remaining curbs on exercising the rights to the freedoms of religion or belief, expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists, human rights defenders, lawyers, environmental and land rights activists and civilians, and expresses concern at reports of the arrest of individuals in relation to the exercise of those rights;

22. *Expresses serious concern* about cases of reprisal as reported in relation to cooperation with the Special Rapporteur on the situation of human rights in Myanmar, while emphasizing that no one should face reprisals, monitoring, surveillance, threats, harassment or intimidation for cooperating or speaking with the special procedures of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Myanmar, the independent international fact-finding mission or the United Nations, and calls upon the Government of Myanmar to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies;

23. *Notes with concern* ongoing reports of land confiscation and clearance, and urges the Government of Myanmar to resolve issues of land tenure in full consultation with the populations affected;

24. *Calls upon* the Government of Myanmar to accelerate its efforts to ensure thorough, independent and impartial investigations into the killings of constitutional legal expert and senior National League for Democracy adviser Ko Ni, in January 2017, land and environmental activist Naw Chit Pan Daing, in November 2016, and journalist Soe Moe Tun, in December 2016, the rape and murder of Kachin school teachers Maran Lu Ra and Tangbau Hkawn Nan Tsing in January 2015, as well as other cases, and that those responsible are held accountable;

25. *Also calls upon* the Government of Myanmar to immediately release journalists Wa Lone and Kyaw Soe Oo, and to allow unhindered access of journalists throughout Myanmar, in particular in Rakhine, Kachin and Shan States;

26. *Further calls upon* the Government of Myanmar, including its military and security forces, to take further steps to reform the Constitution and to strengthen democratic institutions, good governance and the rule of law to ensure respect for and to promote universal human rights and fundamental freedoms in accordance with international norms and standards, stresses the need for an independent, impartial and effective judiciary and an independent and self-governing legal profession, and calls upon the Government to ensure

full compliance with its obligations under international human rights law and international humanitarian law, as applicable;

27. *Welcomes* the steps taken by the Government of Myanmar to prevent and end the recruitment of children, in contravention of applicable international law, and the release of more than 850 former recruited children and, abhorring their use in Myanmar, urges the Government to consolidate progress further towards the complete cessation of their recruitment and use; the identification of all children remaining in the ranks of government forces and their immediate release; an end to the arrest, harassment and imprisonment of children accused of desertion or association with non-State armed groups; continued efforts to bring perpetrators of child recruitment, in contravention of applicable international law, to justice and to criminalize such recruitment; increasing transparency, including by expanding access to birth registration services to children, including those vulnerable to recruitment; ensuring the rehabilitation and reintegration of formerly recruited children; and allowing ethnic armed groups to cooperate with the United Nations with a view to end all recruitment and use of children;

28. *Also welcomes* the steps taken by the Government of Myanmar to ratify or accede to international human rights conventions, encourages the Government to actively consider ratifying additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of the Government's obligations under international human rights law and international humanitarian law, as well as those under other relevant agreements;

29. *Recalls* the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner, and encourages the Government to issue a standing invitation to all special procedures of the Human Rights Council;

30. *Calls upon* the Government of Myanmar and its institutions to step up efforts to strengthen the protection and promotion of human rights and the rule of law and to advance democratization and inclusive economic and social development towards the achievement of Sustainable Development Goals, including by reforming the Myanmar National Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and calls upon the international community to support Myanmar in this regard, including through technical assistance and capacity-building programmes;

31. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, calls upon the Government of Myanmar to meet its duty to protect human rights, and calls upon home States of business companies operating in Myanmar to set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction are to respect human rights throughout their operations;

32. *Welcomes* the enhanced cooperation of the Government of Myanmar with the International Labour Organization with a view to developing a decent work country programme, in which the elimination of forced labour will be included as a core component; also welcomes the recent extension, approved by the Government, of the supplementary understanding and action plan for the elimination of the use of forced labour to the end of December 2018, and urges its swift implementation; and encourages the Government to remain engaged in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and to begin the process of labour law reform to promote freedom of association through genuine and effective tripartite dialogue and in accordance with international labour standards;

33. *Calls upon* the international community to support the Government of Myanmar further, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and economic and social development, and the full implementation of the recommendations of the Advisory Commission on Rakhine State;

34. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to present an oral progress report to the Human Rights Council at its thirty-eighth session and to submit a report to the Third Committee at the seventy-third session of the General Assembly and to the Council at its fortieth session, in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights and to measure progress in the implementation of the recommendations made by the Special Rapporteur;

35. *Calls upon* the Government of Myanmar to resume without delay its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and granting unrestricted access throughout the country, and to resume its work with the Special Rapporteur to develop a work plan and time frame for the swift implementation of the proposed joint benchmarks identified by the mandate holder in her previous report,[61] and for progress in priority areas of technical assistance and capacity-building;

36. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur and the independent international fact-finding mission with the assistance, resources and expertise necessary to enable them to discharge their mandates fully.

55th meeting
23 March 2018

[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Egypt, Georgia, Germany, Hungary, Iraq, Kyrgyzstan, Mexico, Nigeria, Pakistan, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo, Ecuador, Ethiopia, Japan, Kenya, Mongolia, Nepal, Senegal, South Africa]

37/33. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolutions 71/99 of 6 December 2016, 72/16 of 30 November 2017 and 72/88 of 7 December 2017, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Recalling further General Assembly resolutions 71/97 of 6 December 2016 and 72/86 of 7 December 2017,

[61] A/HRC/34/67.

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Deploring the announcement by the Israeli occupying authorities in July 2017 that municipal elections would be held on 30 October 2018 in the four villages in the occupied Syrian Golan,[62] which constitutes another violation to international humanitarian law and to relevant Security Council resolutions, in particular resolution 497 (1981),

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[63] and in this connection deploring the Israeli settlements in the occupied Arab territories, and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolutions 31/25 of 24 March 2016 and 34/ 27 of 24 March 2017,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan" and referred to as the "farms project", and the latest announcement by Israel in November 2016 on the construction of 1,600 new settlement units in the occupied Syrian Golan,[64] and to desist also from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to

[62] See A/72/539, para. 74.
[63] A/72/539.
[64] Ibid., para. 73.

Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[63]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 30 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Expresses grave concern* about the Israeli practices in the occupied Syrian Golan described in the report of the Secretary-General submitted to the Human Rights Council at its thirty-seventh session,[65] highlighting the arbitrary arrests of Syrians, the lack of due process guarantees afforded to Syrians and the unlawful mine-laying practices of the Israeli occupation forces in the occupied Syrian Golan, expresses regret at the non-cooperation of Israel with the Office of the United Nations High Commissioner for Human Rights, and deplores the Israeli settlement expansion plans in the occupied Syrian Golan and Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories mentioned in the report;

10. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its fortieth session;

11. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its fortieth session.

56th meeting
23 March 2018

[Adopted by a recorded vote of 25 to 14, with 7 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Nepal, Nigeria, Pakistan, Peru, Qatar, Saudi Arabia, Senegal, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

[65] A/HRC/37/40.

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Panama, Slovakia, Slovenia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Democratic Republic of the Congo, Japan, Mexico, Philippines, Republic of Korea, Rwanda, Switzerland]

37/34. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, and affirming the inadmissibility of acquisition of territory resulting from the threat or use of force,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular article 1 thereof, and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, and all other relevant United Nations resolutions, including those adopted by the Assembly, the Commission on Human Rights and the Human Rights Council, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further General Assembly resolution 67/19 of 29 November 2012,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, and emphasizing that this *jus cogens* norm of international law is a basic prerequisite for achieving a just, lasting and comprehensive peace in the Middle East,

Deploring the plight of millions of Palestine refugees and displaced persons who have been uprooted from their homes, and expressing deep regret about the fact that more than half of the Palestinian people continue to live in exile in refugee camps throughout the region and in the diaspora,

Affirming the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination,

Recalling the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the right to self-determination of the Palestinian people, which is a right *erga omnes*, is severely impeded by Israel, the occupying Power, through the construction

of the wall in the Occupied Palestinian Territory, including East Jerusalem, which, together with the Israeli settlement enterprise and measures previously taken, results in serious violations of international humanitarian and human rights law, including the forcible transfer of Palestinians and Israeli acquisition of Palestinian land,

Considering that the right to self-determination of the Palestinian people is being violated further by Israel through the existence and ongoing expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem,

Noting that the failure to bring the occupation to an end after 50 years heightens the international responsibility to uphold the human rights of the Palestinian people, and expressing its deep regret that the question of Palestine remains unresolved 70 years since the resolution on partition,

Reaffirming that the United Nations will continue to be engaged on the question of Palestine until the question is resolved in all its aspects in accordance with international law,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine;

2. *Calls upon* Israel, the occupying Power, to immediately end its occupation of the Occupied Palestinian Territory, including East Jerusalem, and further reaffirms its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Expresses grave concern* at any action taken by any body, governmental or non-governmental, in violation of the General Assembly and Security Council resolutions relevant to Jerusalem;

4. *Expresses grave concern* at the fragmentation and the changes in the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, which are resulting from Israel's continuing construction and expansion of settlements, forcible transfer of Palestinians and construction of the wall, stresses that this fragmentation, which undermines the possibility of the Palestinian people realizing their right to self-determination, is incompatible with the purposes and principles of the Charter of the United Nations, and emphasizes in this regard the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

5. *Confirms* that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination;

6. *Calls upon* all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel, in particular of the prohibition of the acquisition of territory by force, in order to ensure the exercise of the right to self-determination, and also calls upon them to cooperate further to bring, through lawful means, an end to these serious breaches and a reversal of Israel's illegal policies and practices;

7. *Urges* all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right;

8. *Decides* to remain seized of the matter.

56th meeting
23 March 2018

[Adopted by a recorded vote of 43 to 2, with 1 abstention. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, Ethiopia, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Australia, United States of America

Abstaining:

Democratic Republic of the Congo]

37/35. Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and affirming that these human rights instruments, among others, are applicable to and must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling also relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,[66] and other relevant recent reports of the Human Rights Council,

Stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution of the question of Palestine,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, and deeply concerned at the fragmentation of the Occupied Palestinian Territory, including East Jerusalem, through the construction of settlements, settler roads, the wall and other measures that are tantamount to de facto annexation of Palestinian land,

[66] A/72/556 and A/HRC/37/75.

Emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties and to ensure respect for international humanitarian law,

Stressing the importance of accountability in preventing future conflicts and ensuring that there is no impunity for violations and abuses, thereby contributing to peace efforts and avoiding the recurrence of violations of international law, including international humanitarian law and international human rights law,

Expressing grave concern at the continuing violation of international humanitarian law and the systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, and to non-violent, peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid, contributing to a coercive environment that leads to the forcible transfer of Palestinian civilians in the Occupied Palestinian Territory, including when carried out as an act of collective punishment in violation of international humanitarian law; incidents of harassment of and attacks on school children and attacks on educational facilities by Israeli settlers and as a result of Israeli military action; and all other actions designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Deploring all conflicts in and around the Gaza Strip and the civilian casualties caused, including the killing and injury of thousands of Palestinian civilians, including children, women and elderly persons, the widespread destruction of thousands of homes and of civilian infrastructure, including schools, hospitals, water sanitation and electricity networks, economic, industrial and agricultural properties, public institutions, religious sites and United Nations schools and facilities, the internal displacement of hundreds of thousands of civilians, and all violations of international law, including humanitarian and human rights law, in this regard,

Gravely concerned in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade, and from the continuing and vastly negative repercussions of previous Israeli military operations, and about the firing of rockets into Israel,

Expressing deep concern at the detrimental impact of continued impediments to the reconstruction process on the human rights situation and on the socioeconomic and humanitarian conditions of the Palestinian civilian population, and calling upon the international community to step up its efforts to provide the Gaza Strip with the assistance that it requires,

Stressing the need for all parties, in conformity with the relevant provisions of international humanitarian law, to cooperate fully with the United Nations and other

humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, and the delivery of supplies and equipment, in order to allow such personnel to perform efficiently their task of assisting affected civilian populations, including refugees and internally displaced persons,

Stressing the need also to end immediately the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, while taking into account Israeli concerns,

Expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions and checkpoints, several of which have been transformed into structures akin to permanent border crossings, other physical obstacles and a permit regime, which are applied in a discriminatory manner affecting the Palestinian population only and all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, violating the human rights of the Palestinian people,

Convinced that the Israeli occupation has gravely impeded the efforts made to achieve sustainable development and a sound economic environment in the Occupied Palestinian Territory, including East Jerusalem, and expressing grave concern at the consequent deterioration of economic and living conditions,

Deploring all policies and practices whereby Israeli settlers, who reside illegally in the Occupied Palestinian Territory, including East Jerusalem, are accorded preferential treatment over the Palestinian population in terms of access to roads, infrastructure, land, property, housing, natural resources and judicial mechanisms, resulting in widespread human rights violations of Palestinians,

Expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also at the ill-treatment and harassment of Palestinian prisoners and all reports of torture,

Recalling the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and calling for respect for those rules,

Recalling also the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Deploring the practice of withholding the bodies of those killed, and calling for the release of the bodies that have not yet been returned to their relatives, in accordance with international humanitarian law and human rights law,

Stressing the need for the protection of human rights defenders engaged in the promotion of human rights issues in the Occupied Palestinian Territory, including East Jerusalem, to allow them to carry out their work freely and without fear of attack, harassment, arbitrary detention or criminal prosecution,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties to implement the agreements reached, and in this regard recalling the positive contribution of the Temporary International Presence in Hebron,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Stresses* the need for Israel, the occupying Power, to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise its universally recognized right to self-determination;

2. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity;

3 *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Also demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it fully respect human rights law and comply with its legal obligations in this regard, including in accordance with relevant United Nations resolutions;

5. *Calls for* urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the relevant provisions of international humanitarian law and as called for by the Security Council in its resolution 904 (1994) of 18 March 1994;

6. *Deplores* the persistent non-cooperation of Israel with special procedure mandate holders and other United Nations mechanisms, and calls for full cooperation by Israel with the Human Rights Council and all its special procedures, relevant mechanisms and inquiries, and with the Office of the United Nations High Commissioner for Human Rights;

7. *Demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

8. *Also demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded by the General Assembly in its resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socioeconomic living conditions of the Palestinian people;

9. *Calls upon* Israel to immediately cease any demolitions or plans for demolitions that would result in the forcible transfer or forced eviction of Palestinians, particularly in the vulnerable areas of the Jordan Valley, the periphery of Jerusalem and the South Hebron Hills, to facilitate the return of those Palestinian communities already subjected to forcible transfer or eviction to their original dwellings and to ensure adequate housing and legal security of tenure;

10. *Deplores* the illegal Israeli actions in occupied East Jerusalem, including the construction of settlements in various areas; the demolition of residential structures, the forced eviction of Palestinian inhabitants and the application of the policy of punitive home demolitions, in violation of their basic right to adequate housing and in violation of international humanitarian law; the ongoing policy of revoking the residency permits of Palestinians living in East Jerusalem through various discriminatory laws; excavations in and around religious and historic sites; and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the territory as a

whole, including those stemming from attempts aimed at illegally changing the status quo of holy sites;

11. *Expresses grave concern* at the restrictions imposed by Israel that impede the access of Christian and Muslim worshippers to holy sites in the Occupied Palestinian Territory, including East Jerusalem, and calls upon Israel to include guarantees for non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites;

12. *Urges* Israel to ensure that water resource allocation in the Occupied Palestinian Territory is not discriminatory and does not result in water shortages disproportionately affecting the Palestinian population of the West Bank, and to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank, including in the Jordan Valley, affected by the destruction of the wells of local civilians, roof water tanks and other water and irrigation facilities under military and settler operation since 1967;

13. *Expresses concern* at the Citizenship and Entry into Israel Law adopted by the Knesset, which suspends the possibility, with certain rare exceptions, of family reunification between Israeli citizens and persons residing in the Occupied Palestinian Territory, including East Jerusalem, thus adversely affecting the lives of many families;

14. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

15. *Demands* that Israel, the occupying Power, cease immediately its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, which severely restricts the freedom of movement of Palestinians within, into and out of Gaza and their access to basic utilities, housing, education, work, health and an adequate standard of living via various measures, including import and export restrictions, that have a direct impact on livelihoods, economic sustainability and development throughout Gaza, aggravating the state of de-development in Gaza, and in this regard calls upon Israel to implement fully the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

16. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, where the bombardment of populated areas has caused extensive loss of life and a vast number of injuries, including among thousands of children and women, massive damage and destruction to homes, economic, industrial and agricultural properties, vital infrastructure, including water, sanitation and electricity networks, religious sites and public institutions, including hospitals and schools, United Nations facilities, and agricultural lands, the large-scale internal displacement of civilians, and the excessive use of force by the Israeli occupying forces against Palestinian civilians in the context of peaceful protests in the West Bank;

17. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

18. *Reiterates* the responsibility of Israel, the occupying Power, to respect the right to health of all persons within the Occupied Palestinian Territory and to facilitate the immediate, sustained and unfettered passage of humanitarian relief, including the access of medical personnel, their equipment, transport and supplies to all areas under occupation, including the Gaza Strip, and the granting of exit permits for patients in need of medical treatment outside the Gaza Strip, and stresses the need for the unhindered passage of ambulances at checkpoints, especially in times of conflict;

19. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socioeconomic and humanitarian situation, particularly in the Gaza Strip;

20. *Calls upon* Israel to end all harassment, threats, intimidation and reprisals against human rights defenders and civil society actors who peacefully advocate for the rights of Palestinians in the Occupied Palestinian Territory, including by cooperating with United Nations human rights bodies, and underscores the need to investigate all such acts, ensure accountability and effective remedies, and to take steps to prevent any further such threats, attacks, reprisals or acts of intimidation;

21. *Expresses deep concern* at the conditions of the Palestinian prisoners and detainees, including minors, in Israeli jails and detention centres, calls upon Israel to explicitly prohibit torture, including psychological torture and other cruel, inhuman or degrading treatment or punishment, demands that Israel, the occupying Power, fully respect and abide by its international law obligations towards all Palestinian prisoners and detainees in its custody, expresses its concern at the continued extensive use of administrative detention, calls for the full implementation of the agreement reached in May 2012 for a prompt and independent investigation into all cases of death in custody, and calls upon Israel to immediately release all Palestinian prisoners, including Palestinian legislators, detained in violation of international law;

22. *Calls for* urgent attention to be paid to the plight and the rights, in accordance with international law, of Palestinian prisoners and detainees in Israeli jails, and also calls for respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

23. *Demands* that Israel cease its policy of transferring prisoners from the Occupied Palestinian Territory into the territory of Israel, and respect fully its obligations under article 76 of the Fourth Geneva Convention;

24. *Urges* Israel to ensure that any arrest, detention and/or trial of Palestinian children is in line with the Convention on the Rights of the Child, including by refraining from holding criminal proceedings against them in military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights and that infringe upon their right to non-discrimination;

25. *Emphasizes* the need to preserve and develop Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

26. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their inalienable human rights, including their right to self-determination, as a matter of urgency, in the light of the onset of the fiftieth year of the Israeli occupation and the continued denial and violation of the human rights of the Palestinian people;

27. *Decides* to remain seized of the matter.

56th meeting
23 March 2018

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, Ethiopia, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Australia, Togo, United States of America

Abstaining:

Democratic Republic of the Congo, Rwanda]

37/36. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also Human Rights Council resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize an unlawful situation arising from breaches of peremptory norms of international law,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the four Geneva Conventions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting that the International Court of Justice concluded, inter alia, that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, had been established in breach of international law,

Taking note of the recent relevant reports of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, and the recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Recalling the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social

and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,[67]

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Noting that Israel has been planning, implementing, supporting and encouraging the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Recalling the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and emphasizing specifically its call for a freeze on all settlement activity, including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,

Taking note of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded the status of non-member observer State in the United Nations, and also of the follow-up report thereon of the Secretary-General,[68]

Aware that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the destruction of property, including homes and projects funded by the international community, the forcible displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources, the conduct of economic activity for the benefit of the occupying Power, disruption to the livelihood of protected persons, the de facto annexation of land and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law,

Affirming that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution, undermining the physical possibility of its realization and entrenching a one-State reality of unequal rights,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely limiting the possibility of a contiguous territory and the ability to dispose freely of natural resources, both of which are required for the meaningful exercise of Palestinian self-determination,

Noting that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of the Palestinians' human rights, and constitute the main factors perpetuating Israel's belligerent occupation of the Palestinian Territory, including East Jerusalem, since 1967,

Deploring in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Expressing grave concern at the continuing construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern in particular at the route of the wall in departure from the Armistice Line of 1949, which is causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining its viability, creating a fait accompli

[67] A/HRC/22/63.
[68] A/67/738.

on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949, and making the two-State solution physically impossible to implement,

Deeply concerned that the wall's route has been traced in such a way to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned at all acts of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including homes, agricultural lands and historic and religious sites, and the acts of terror carried out by several extremist Israeli settlers, which are a long-standing phenomenon aimed at, inter alia, displacing the occupied population and facilitating the expansion of settlements,

Expressing concern at ongoing impunity for acts of settler violence against Palestinian civilians and their properties, and stressing the need for Israel to investigate and to ensure accountability for all of these acts,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Noting that the agricultural sector, considered the cornerstone of Palestinian economic development, has not been able to play its strategic role because of the dispossession of land and the denial of access for farmers to agricultural areas, water resources and domestic and external markets owing to the construction, consolidation and expansion of Israeli settlements,

Aware that numerous Israeli policies and practices related to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers, against the Palestinian people and in violation of their human rights,

Recalling Human Rights Council resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and call upon States to provide adequate assistance to business enterprises to assess and address the heightened risks of abuses in conflict-affected areas, including by ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and concerned that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory,

Emphasizing the importance for States to act in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Concerned that economic activities facilitate the expansion and entrenchment of settlements, aware that the conditions of harvesting and production of products made in settlements involve, inter alia, the exploitation of the natural resources of the Occupied

Palestinian Territory, including East Jerusalem, and calling upon all States to respect their legal obligations in this regard,

Aware that products wholly or partially produced in settlements have been labelled as originating from Israel, and concerned about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Aware also of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements,

Noting that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities in all the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice, including to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, and to make reparation for the damage caused to all natural or legal persons affected by the construction of the wall;

5. *Condemns* the continuing settlement and related activities by Israel, including the construction and expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the forcible transfer of Palestinians, including entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Expresses its grave concern* at declarations by Israeli officials calling for the annexation of Palestinian land, and reaffirms the prohibition of acquisition of territory resulting from the use of force;

7. *Also expresses its grave concern* at and calls for the cessation of:

(a) The operation by Israel of a tramway linking the settlements with West Jerusalem, which is in clear violation of international law and relevant United Nations resolutions;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forced evictions and "relocation" plans, the obstruction and destruction of humanitarian assistance and the creation of a coercive environment and unbearable living conditions by Israel in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of "State lands", closed "military zones", "national parks" and "archaeological" sites to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of Israel's obligations under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

8. *Calls upon* Israel, the occupying Power:

(a) To end without delay its occupation of the territories occupied since 1967, to reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards the dismantlement of the settlement enterprise, to stop immediately the expansion of existing settlements, including so-called natural growth and related activities, to prevent any new installation of settlers in the occupied territories, including in East Jerusalem, and to discard its so-called E-1 plan;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of separate roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements, and other violations and forms of institutionalized discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the

Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

9. *Welcomes* the adoption of the European Union Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

10. *Urges* all States and international organizations to ensure that they are not taking actions that either recognize, aid or assist the expansion of settlements or the construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and to continue to actively pursue policies that ensure respect for their obligations under international law with regard to these and all other illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem;

11. *Reminds* all States of their legal obligations as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including not to recognize the illegal situation resulting from the construction of the wall, not to render aid or assistance in maintaining the situation created by such construction, and to ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention;

12. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories with regard to, inter alia, the issue of trade with settlements, consistent with their obligations under international law;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to help to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the immitigable nature of the adverse impact of their activities on human rights;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, investments, purchases, procurements, loans, the provision of services, and other economic and financial activities in or benefiting Israeli settlements, to inform businesses of these risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability;

13. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and other relevant international laws and standards with respect to their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to avoid the adverse impact of such activities on human rights, and to avoid contributing to the establishment, maintenance, development or consolidation

of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory;

14. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29, in accordance with their respective mandates;

15. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011, on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations "Protect, Respect and Remedy" Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

16. *Requests* the United Nations High Commissioner for Human Rights to report to the Human Rights Council on the implementation of the provisions of the present resolution at its fortieth session;

17. *Decides* to remain seized of the matter.

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23 March 2018

[Adopted by a recorded vote of 34 to 4, with 8 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Germany, Iraq, Japan, Kenya, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Switzerland, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Hungary, Togo, United States of America

Abstaining:

Croatia, Democratic Republic of the Congo, Georgia, Panama, Rwanda, Slovakia, Ukraine, United Kingdom of Great Britain and Northern Ireland]

37/37. Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

For the text of the resolution, see chapter II.

37/38. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014, 28/29 of 27 March 2015, 31/26 of 24 March 2016 and 34/32 of 24 March 2017, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014, 70/157 of 17 December 2015, 71/195 of 19 December 2016 and 72/196 of 19 December 2017,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons on the basis of their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance on the basis of religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Recalling General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and noting the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons on the basis of their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence and of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of expert meetings held in Washington, D.C., London, Geneva, Doha, Jeddah and Singapore in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that open, public debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can be among the best protections

against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws upon his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence on the basis of religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of their ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 34/26 summarizing the contributions received from States,[69] and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its fortieth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

56th meeting
23 March 2018

[Adopted without a vote.]

37/39. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, 31/28 of 24 March 2016 and 34/39 of 24 March 2017, by which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the deterioration of the security situation and the increase in attacks by terrorist groups in the north and their spread to central and southern Mali, and the rise of violent extremism, the proliferation of small arms, drug trafficking, migrant smuggling, the traffic in persons and other transnational organized criminal activities,

Deeply concerned also about continued human rights violations and breaches, including abuses, the slow progress in the implementation of some relevant provisions of

[69] A/HRC/37/44

the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

Remaining concerned over the food and humanitarian crisis faced by the populations affected by the conflict and by the insecurity which hinders humanitarian access, and condemning the attacks against humanitarian personnel,

Noting with satisfaction the fact that the Government of Mali and the signatory groups have renewed their commitment to expeditiously fulfil their obligations under the Agreement on Peace and Reconciliation in Mali, in particular the adoption of a calendar of priority actions, and the progress represented by the appointment of interim authorities, and stressing that much progress remains to be made towards the full implementation of the Agreement, in particular the effective implementation of decentralization, transitional justice, the disarmament, demobilization and reintegration process, justice sector reform and security sector reform,

Welcoming Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against in particular those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, including women and children,

Noting the commitment made by the Government of Mali at a number of sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Welcoming the cooperation of the Malian authorities with international human rights mechanisms, notably the planning of two visits to Mali by thematic special procedures mandate holders of the Human Rights Council in 2018,

Noting the holding of the third universal periodic review of Mali in January 2018 and encouraging the Government of Mali to take the necessary measures for the implementation of the recommendations that it accepts,

Taking note of the latest report of the Secretary-General on the situation in Mali,[70] in which he expresses concern about the lack of involvement of women in the peace process and reiterates that they should be included in all decision-making structures relating to the peace process, and emphasizing the important role of women in prevention and resolution of conflicts and in peacebuilding,

Taking note also of the joint report of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the Office of the United Nations High Commissioner for Human Rights on human rights and the peace process in Mali, published in February 2018, which finds that more than 600 cases of human rights violations and abuses were committed between January 2016 and June 2017, involving more than 2,700 victims, and which demonstrates that respect for human rights can create an environment that is conducive to the implementation of the Peace Agreement, and underscoring the importance of the human rights reports prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali in fulfilment of one of the components of its mandate for the promotion and protection of human rights,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[71]

Noting the account taken by the G5 Sahel joint force of the human rights due diligence policy on United Nations support to non-United Nations security forces,

[70] S/2017/1105.
[71] A/HRC/37/78.

Noting also the establishment of the framework for ensuring the compliance of the joint force operations with human rights and international humanitarian law,

1. *Strongly condemns* the violations and abuses of human rights and the violations of international humanitarian law, including those involving the recruitment and use of children as soldiers and the violations of their rights, and the violations and abuses of women's rights that have been perpetrated in Mali since the beginning of the crisis, and all the terrorist attacks, including the fatal attacks committed in 2018 against itinerant traders;

2. *Also strongly condemns* the attacks, including terrorist attacks against civilians, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

3. *Reiterates* its call for an immediate halt to all human rights violations, breaches and abuses, and for the strict observance of all human rights and fundamental freedoms;

4. *Calls upon* all parties to facilitate full, safe, and unhindered access for the timely delivery of aid to all persons in need across Mali, and to ensure the safety and protection of civilians receiving assistance and of humanitarian personnel operating in Mali;

5. *Calls upon* the Government of Mali to continue and to intensify its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

6. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, in line with their renewed commitments made at the last meeting of the Agreement Monitoring Committee held on 15 and 16 January 2018, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces throughout the territory and decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Center as an independent observer of the Peace Agreement;

7. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the unlawful recruitment and use of children as soldiers, and to implement sustainable reintegration and rehabilitation programmes, including by taking into account the gender perspective;

8. *Notes with appreciation* the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, notes that on 27 September 2016 the Court found an individual guilty of intentionally directing attacks against buildings of a religious and historical character in Timbuktu, and recalls that it is important for all Malian stakeholders to lend the Court their support and cooperation;

9. *Supports*, in this regard, the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and international humanitarian law before impartial and independent courts, urges it to intensify those efforts and encourages it to continue its cooperation with the International Criminal Court;

10. *Welcomes* the establishment by the Secretary-General of the International Commission of Inquiry provided for by the Agreement on Peace and Reconciliation in Mali to investigate the grave violations of human rights and international humanitarian law committed in Mali since January 2012, and encourages the United Nations Secretariat to provide the Commission with the necessary means to carry out its mandate;

11. *Calls upon* the Government of Mali to ensure that women participate more fully in the national reconciliation process and in all decision-making structures relating to the peace process, in conformity with relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the

Government in December 2015, and to heighten the political empowerment of women at all levels;

12. *Supports* the measures taken by the Government to transfer pupils from some insecure localities in the northern and central regions to other schools and to organize special assessments for them;

13. *Welcomes* the establishment by the Malian authorities of a ministerial department dedicated exclusively to the promotion and protection of human rights, commends the progress achieved by the Justice, Truth and Reconciliation Commission, which has made it possible to collect more than 7,000 statements from victims in several regions of Mali, and encourages the Malian authorities to ensure that the Commission has the independence and means needed to fulfil its mandate to support the victims of the crises in Mali;

14. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards attaining peace and security in Mali;

15. *Commends* the work of the United Nations Multidimensional Integrated Stabilization Mission in Mali to support the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life suffered by it;

16. *Emphasizes* that the efforts of the G5 Sahel joint force to counter the activities of terrorist groups and other organized criminal groups will help to create a more secure environment and at last to establish the conditions required to improve the human rights situation in Mali, and emphasizes the need to operationalize the human rights protection and accountability mechanisms;

17. *Requests* all parties to respect human rights and to ensure their strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations;

18. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

19. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali, urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme, and also urges the Government to accelerate the return of the administration and basic services in the centre and north of the country and to work towards establishing an acceptable level of security;

20. *Requests* friendly countries and partner organizations that have pledged contributions at conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

21. *Reaffirms* the need to proceed swiftly with the electoral process and welcomes the arrangements for holding, within the time frame set by the Constitution, fair, free, transparent and inclusive elections in 2018 that guarantee freedom of expression and the will of the people;

22. *Welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

23. *Notes with satisfaction* that the Government of Mali has undertaken to act upon the recommendations made by the Independent Expert following his visits to Mali;

24. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

25. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

26. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

27. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fortieth session;

28. *Decides* to hold a dialogue at its fortieth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on the fight against impunity;

29. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

30. *Requests* the High Commissioner to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, and encourages the Malian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

31. *Urges* the international community to continue to provide assistance to Mali in order to ensure its stability with a view to promoting respect for all human rights and to carrying out a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

32. *Decides* to remain seized of this matter.

Fifty-sixth session
23 March 2018

[Adopted without a vote.]

37/40. Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Recalling its resolution 34/37 of 24 March 2017,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva international discussions as an instrument for addressing security, stability, human rights and humanitarian issues,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights, its office in Tbilisi, and other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the report of the High Commissioner,[72]

Stressing the findings of the High Commissioner in the report, in which he underscored the responsibility of the authorities in control in both regions to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant unimpeded access to staff members of the Office of the High Commissioner and to United Nations human rights mechanisms,

Expressing serious concern at the discrimination based on ethnic grounds, restrictions on education in one's native language in both Georgian regions, and the reported mass demolition of houses of ethnic Georgians in the Tskhinvali region,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with United Nations and regional human rights mechanisms,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in a safe and dignified manner,

Expressing serious concern at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through his office in Tbilisi;

2. *Strongly calls for* immediate access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its thirty-eighth session, and to present a written report on developments relating to and the implementation of the present resolution at its thirty-ninth session.

56th meeting
23 March 2018

[Adopted by a recorded vote of 19 to 5, with 23 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Slovakia, Slovenia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Philippines, Venezuela (Bolivarian Republic of)

[72] A/HRC/36/65.

Abstaining:

Afghanistan, Angola, Brazil, Chile, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Tunisia, United Arab Emirates]

37/41. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Expressing full support for the United Nations Support Mission in Libya and for the action plan presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya to support a Libyan-led transition that will lead to a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement,

Encouraging all Libyans to work together in a spirit of compromise and to engage constructively in the inclusive political process set out in the action plan, and reiterating the importance of the equal and full participation of women in the political process,

Expressing deep concern at the impact of the security, economic and humanitarian situation in Libya on its people, and at the continued human rights violations and abuses committed in Libya and continued mass displacement, and its particular impact on women and children,

Expressing grave concern at the human rights violations and abuses committed in Libya against migrants, including in detention centres, and sharing the concern of the Government of National Accord at the horrific accounts of human trafficking,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law should be held accountable,

Underlining the need for the coordination of efforts to tackle the root causes of irregular migration to prevent the exploitation of irregular migrants by smugglers and human traffickers,

1. *Welcomes* the commitment of the Government of National Accord to improve human rights in Libya, and its continued cooperation with the Human Rights Council and its mechanisms;

2. *Also welcomes* the continued commitment of the Government of National Accord to the universal periodic review process, and emphasizes the pressing need for the implementation of the recommendations accepted, and further welcomes the ratification on 13 February 2018 by Libya of the Convention on the Rights of Persons with Disabilities;

3. *Takes note with appreciation* of the oral update delivered by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-sixth session, with the participation of the Special Representative of the Secretary-General for Libya, on the situation of human rights in Libya, including the steps taken by the

Government of National Accord to ensure accountability for human rights violations and abuses, in accordance with Council resolution 34/38 of 24 March 2017;

4. *Also takes note with appreciation* of the report of the High Commissioner on the situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the Government of National Accord;[71]

5. *Welcomes* the visit to Libya from 25 to 31 January 2018 by the Special Rapporteur on the human rights of internally displaced persons, and looks forward to her report on that visit, which will be submitted to the Government of National Accord and to the Human Rights Council at its thirty-eighth session;

6. *Also welcomes* the visit to Libya on 12 October 2017 by the High Commissioner and his constructive meetings with the President of the Presidency Council of the Government of National Accord and the ministers of the Government of National Accord;

7. *Further welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including two visits in 2017 to Libya by the Director General of the International Organization for Migration, to address the conditions of irregular migrants held in detention centres in Libya, and the positive results achieved to date in coordination with the Government of National Accord and with the support of Member States, including neighbouring States, and regional organizations;

8. *Welcomes* the commitment of the Special Representative of the Secretary-General for Libya, on behalf of the United Nations country team, to intensify the work on the ground of the United Nations to help to improve the living conditions of all people in Libya, including migrants, and looks forward to an increase in the presence of the United Nations in Libya, to plans for a new round of voluntary funding for 2018 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya, and to recommendations to increase the strategic coordination of the United Nations Support Mission in Libya and United Nations agencies, funds and programmes in Libya;

9. *Underlines* the importance of an inclusive response for all migrants in Libya and strengthened international cooperation with the Government of National Accord;

10. *Welcomes* the decisions taken by the Assembly of the African Union at its thirtieth ordinary session on the report of the Leader of the African Union High-level Committee on Libya;

11. *Also welcomes* the ongoing efforts made by Member States and international and regional organizations, including the joint declaration of the fifth African Union-European Union summit, held in Abidjan on 30 November 2017, and its aims:

(a) To promote a positive and constructive and multidimensional approach to migration that takes place in a safe, orderly and regular manner;

(b) To take into account and to complement existing dialogues and frameworks, and to deepen the cooperation and dialogue on migration and mobility in a strengthened and regular manner between Africa and Europe;

(c) To strengthen political commitment to address the root causes of irregular migration and forced displacement;

(d) To stress the importance of effectively managing irregular migration in a spirit of genuine partnership and shared responsibility, in full respect of national law, international law and human rights obligations to maximize the development potential for both Africa and Europe;

12. *Further welcomes* the technical assistance and capacity-building measures provided by Member States and international and regional organizations to assist Libya, at its request, including to secure its southern borders and to prevent, investigate and

[71] A/HRC/37/46.

prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in accordance with national law and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to continue to do so, in partnership with the Presidency Council and in support of the United Nations country team;

13. *Strongly condemns* all acts of violence in Libya and all violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians and migrants, including women and children, as well as those involving unlawful detentions, abductions, enforced disappearances, torture and unlawful killings;

14. *Condemns* all attacks, intimidation, harassment and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

15. *Strongly condemns* the continued acts of terrorism committed by armed groups, including the so-called Islamic State in Iraq and the Levant (Daesh) and other entities associated with Daesh in Libya listed by the Security Council, and reiterates its grave concern at the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

16. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of National Accord to increase its efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages its continued engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

17. *Repeats its call* to all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights or violations of international humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty;

18. *Expresses serious concern* at the acute humanitarian situation in Libya, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies across Libya, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

19. *Urges* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that its women's support and empowerment unit is operational;

20. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable to the judicial authorities of Libya, and notes the cooperation between the Government of National Accord and the International Criminal Court in that regard;

21. *Expresses grave concern* at the number of detainees, including conflict-related detainees and children, and at reports of torture, sexual and gender-based violence and harsh conditions in detention centres, and calls upon the Government of National Accord to establish full and effective control over all detention centres in order to ensure that detainees, including migrants, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

22. *Expresses serious concern* at the continued plight of internally displaced persons, and in that regard welcomes the agreement brokered by the Presidency Council and calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

23. *Encourages* the Government of National Accord to further promote, protect and respect the human rights of migrants, refugees and internally displaced persons, to hold human traffickers accountable and to provide a framework for the enhanced engagement of the Office of the United Nations High Commissioner for Refugees, and to continue to cooperate with the International Organization for Migration;

24. *Welcomes* the statement by the Presidency Council of 23 November 2017 in which it denounced trafficking in persons in Libya and all over the world, and calls upon the relevant authorities to continue their investigation to bring perpetrators of such acts to justice;

25. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

26. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

27. *Invites* the Office of the High Commissioner to work closely with all entities of the United Nations, the African Union, and all other relevant regional and international organizations concerned;

28. *Welcomes* the renewal of the standing invitation of the Government of National Accord to all special procedures of the Human Rights Council to visit Libya, and encourages the Government of National Accord to consider positively and to help to facilitate requests for visits of the mandate holders with a view to identifying challenges and providing recommendations;

29. *Requests* the Office of the High Commissioner to provide technical assistance and capacity-building to Libya to promote and protect human rights and to prevent and ensure accountability for violations and abuses of human rights;

30. *Encourages* the special procedures to visit Libya and report to the Human Rights Council and through public statements;

31. *Requests* the High Commissioner to present an oral update on the situation of human rights in Libya and the implementation of the present resolution to the Human Rights Council at its thirty-ninth session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council at its fortieth session a report on the situation of human rights in Libya, including the implementation of technical assistance and capacity-building and efforts to prevent and ensure accountability for violations and abuses of human rights;

32. *Decides* to remain seized of the matter.

56th meeting
23 March 2018

[Adopted without a vote.]

37/42. Contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming also the universality, interdependence, indivisibility and interrelatedness of human rights as enshrined in the Universal Declaration of Human Rights and consequently elaborated in other human rights instruments,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Underscoring that the three main international drug control conventions of 1961, 1971 and 1988 and other relevant international instruments constitute the cornerstone of the international drug control system, and reaffirming the targets and goals of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem of 2009, and also the Joint Ministerial Statement of the 2014 high-level review of the implementation by Member States of the Political Declaration and Plan of Action,

Recalling Human Rights Council resolution 28/28 of 27 March 2015 entitled "Contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016",

Noting the contributions of international human rights bodies and mechanisms, including international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, such as the special procedures and the universal periodic review, in promoting the implementation of the international commitments to effectively address and counter the world drug problem in accordance with States' human rights obligations,

Recognizing that the three international drug-control conventions concern the health and welfare of humankind, noting with concern that, although human rights are an indispensable part of the international legal framework for the design and implementation of drug policies, the availability of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes, including for the relief of pain and suffering, remains low to non-existent in many countries of the world, and highlighting the need to enhance national efforts and international cooperation at all levels to address that situation by promoting measures to ensure their availability, affordability and accessibility for medical and scientific purposes, within the framework of national legislation,

Reaffirming the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem", in its entirety, as adopted by Assembly in the annex to its resolution S-30/1 of 19 April 2016, and reiterating that the operational recommendations contained therein are integrated, indivisible, multidisciplinary and mutually reinforcing and aim at a comprehensive, integrated and balanced approach to addressing and countering the world drug problem, and reaffirming also the decision to establish 2019 as the target date for States to implement the goals set out in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,

Reaffirming also the three main international drug control conventions of 1961, 1971 and 1988, the 2009 Political Declaration and Plan of Action, the Joint Ministerial Statement of the 2014 high-level review and other relevant international instruments of the international drug control system,

Recalling General Assembly resolution 72/198 of 19 December 2017 on international cooperation to address and counter the world drug problem, and other relevant Assembly resolutions,

Considering that the General Assembly has reaffirmed the need to strengthen cooperation between the United Nations Office on Drugs and Crime and other United Nations entities, within their respective mandates, in their efforts to support Member States in the implementation of international drug control treaties in accordance with applicable human rights obligations and to promote the protection of and respect for human rights and the dignity of all individuals in the context of drug programmes, strategies and policies,

Reaffirming the principal role of the Commission on Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug control matters, reaffirming also the support and appreciation of the General Assembly for the efforts of the United Nations, in particular those of the United Nations Office on Drugs and Crime as the leading entity in the United Nations system for addressing and countering the world drug problem, and reaffirming further the treaty-mandated roles of the International Narcotics Control Board and the World Health Organization,

Considering that the Commission on Narcotic Drugs encourages contributions of, inter alia, relevant United Nations entities, within their respective mandates, to the work of the Commission and the efforts of Member States to address and counter the world drug problem, and to strengthening international and inter-agency cooperation, and also encourages them to make available relevant information to the Commission in order to facilitate its work and to enhance coherence within the United Nations system at all levels with regard to the world drug problem,

Recalling the decision of the Commission on Narcotic Drugs to continue to work with and support Member States, upon request, and relevant United Nations entities in the implementation and sharing of best practices corresponding to the seven thematic areas contained in the outcome document of the thirtieth special session of the General Assembly,

Welcoming the progress made in strengthening and expanding existing cooperation on the public health-related aspects of the world drug problem, and reaffirming the need to take into account the public health dimension of the world drug problem, in accordance with the operational recommendations of the outcome document, including by intensifying efforts to support Member States, upon request, in addressing and countering the world drug problem in accordance with a comprehensive, integrated and balanced approach,

Welcoming also the 2030 Agenda for Sustainable Development, including its pledge to leave no one behind, and noting that efforts to achieve the Sustainable Development Goals and to effectively address the world drug problem are complementary and mutually reinforcing,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the impact of the world drug problem on the enjoyment of human rights,[74] and the recommendations contained therein on respect for and the protection and promotion of human rights in the context of the world drug problem, with particular consideration for the needs of persons affected and persons in vulnerable situations, and encourages States to take into account the conclusions and recommendations of the High Commissioner;

2. *Reaffirms* the commitment by the General Assembly to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies, and to take the steps necessary to implement the operational recommendations contained in the outcome document of its thirtieth special session, in close partnership with the United Nations and other intergovernmental organizations and civil society, and to share with the Commission on Narcotic Drugs timely information on progress made in the implementation of those recommendations;

3. *Also reaffirms* the need to address the key causes and consequences of the world drug problem, including those in the health, social, human rights, economic, justice, public security and law enforcement fields, in line with the principle of common and shared

[74] A/HRC/30/65.

responsibility, and recognizes the value of comprehensive and balanced policy interventions, including those in the field of the promotion of sustainable and viable livelihoods;

4. *Calls upon* States to mainstream a gender perspective into and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programmes, and to develop and disseminate gender-sensitive and age-appropriate measures that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem, bearing in mind that targeted interventions that are based on the collection and analysis of data, including age- and gender-related data, can be particularly effective in meeting the specific needs of drug-affected populations and communities;

5. *Requests* the Office of the High Commissioner to prepare a report, in consultation with States, the United Nations Office on Drugs and Crime and other United Nations agencies, civil society and other relevant stakeholders, on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights, and to present it to the Human Rights Council at its thirty-ninth session, and also requests the Office of the High Commissioner to share the report with the Commission on Narcotic Drugs, through the appropriate channels, as a contribution to their work in this field and in preparation for the sixty-second session of the Commission;

6. *Encourages* the High Commissioner and relevant international human rights mechanisms to continue, within their respective mandates and through the appropriate established channels with the Commission on Narcotic Drugs, their contribution to addressing the human rights implications of the world drug problem;

7. *Invites* the Commission on Narcotic Drugs to take into account the contribution of the Human Rights Council, in particular during the ministerial segment of the sixty-second session of the Commission in 2019, in accordance with relevant rules of procedure and established practices.

56th meeting
23 March 2018

[Adopted by a recorded vote of 26 to 10, with 11 abstentions. The voting was as follows:

In favour:

Angola, Australia, Belgium, Brazil, Chile, Croatia, Ecuador, Georgia, Germany, Hungary, Japan, Kyrgyzstan, Mexico, Mongolia, Nepal, Panama, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Egypt, Iraq, Pakistan, Philippines, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Kenya, Nigeria, Qatar, Senegal, South Africa, Togo, Tunisia]

B. Decisions

37/101. Outcome of the universal periodic review: Czechia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Czechia on 6 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Czechia, comprising the report thereon of the Working Group on the Universal Periodic Review,[75] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[76]

37th meeting
15 March 2018

[Adopted without a vote.]

37/102. Outcome of the universal periodic review: Argentina

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Argentina on 6 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Argentina, comprising the report thereon of the Working Group on the Universal Periodic Review,[77] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[78]

37th meeting
15 March 2018

[Adopted without a vote.]

37/103. Outcome of the universal periodic review: Gabon

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18

[75] A/HRC/37/4.
[76] A/HRC/37/4/Add.1; see also A/HRC/37/2, chap. VI.
[77] A/HRC/37/5.
[78] A/HRC/37/5/Add.1; see also A/HRC/37/2, chap. VI.

June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Gabon on 7 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Gabon, comprising the report thereon of the Working Group on the Universal Periodic Review,[79] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[80]

37th meeting
15 March 2018

[Adopted without a vote.]

37/104. Outcome of the universal periodic review: Ghana

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Ghana on 7 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ghana, comprising the report thereon of the Working Group on the Universal Periodic Review,[81] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group,[82]

38th meeting
15 March 2018

[Adopted without a vote.]

37/105. Outcome of the universal periodic review: Peru

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Peru on 8 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Peru, comprising the report thereon of the Working Group on the Universal Periodic Review,[83] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[79] A/HRC/37/6.
[80] A/HRC/37/6/Add.1; see also A/HRC/37/2, chap. VI.
[81] A/HRC/37/7.
[82] A/HRC/37/7/Add.1; see also A/HRC/37/2, chap. VI.
[83] A/HRC/37/8.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[84]

38th meeting
15 March 2018

[Adopted without a vote.]

37/106. Outcome of the universal periodic review: Guatemala

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Guatemala on 8 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Guatemala, comprising the report thereon of the Working Group on the Universal Periodic Review,[85] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[86]

38th meeting
15 March 2018

[Adopted without a vote.]

37/107. Outcome of the universal periodic review: Switzerland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Switzerland on 9 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Switzerland, comprising the report thereon of the Working Group on the Universal Periodic Review,[87] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[88]

39th meeting
15 March 2018

[Adopted without a vote.]

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[84] A/HRC/37/8/Add.1; see also A/HRC/37/2, chap. VI.
[85] A/HRC/37/9.
[86] A/HRC/37/9/Add.1; see also A/HRC/37/2, chap. VI.
[87] A/HRC/37/12.
[88] A/HRC/37/12/Add.1; see also A/HRC/37/2, chap. VI.

37/108. Outcome of the universal periodic review: Republic of Korea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Republic of Korea on 9 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Republic of Korea, comprising the report thereon of the Working Group on the Universal Periodic Review,[89] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[90]

39th meeting
15 March 2018

[Adopted without a vote.]

37/109. Outcome of the universal periodic review: Benin

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Benin on 10 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Benin, comprising the report thereon of the Working Group on the Universal Periodic Review,[91] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[92]

40th meeting
19 March 2018

[Adopted without a vote.]

37/110. Outcome of the universal periodic review: Pakistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

[89] A/HRC/37/11.
[90] A/HRC/37/11/Add.1; see also A/HRC/37/2, chap. VI.
[91] A/HRC/37/10.
[92] A/HRC/37/10/Add.1; see also A/HRC/37/2, chap. VI.

Having conducted the review of Pakistan on 13 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Pakistan, comprising the report thereon of the Working Group on the Universal Periodic Review,[93] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[94]

41st meeting
19 March 2018

[Adopted without a vote.]

37/111. Outcome of the universal periodic review: Zambia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Zambia on 13 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Zambia, comprising the report thereon of the Working Group on the Universal Periodic Review,[95] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[96]

41st meeting
19 March 2018

[Adopted without a vote.]

37/112. Outcome of the universal periodic review: Japan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Japan on 14 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Japan, comprising the report thereon of the Working Group on the Universal Periodic Review,[97] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[93] A/HRC/37/13.
[94] A/HRC/37/13/Add.1; see also A/HRC/37/2, chap. VI.
[95] A/HRC/37/14.
[96] A/HRC/37/14/Add.1; see also A/HRC/37/2, chap. VI.
[97] A/HRC/37/15.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[98]

41st meeting
19 March 2018

[Adopted without a vote.]

37/113. Outcome of the universal periodic review: Ukraine

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Ukraine on 15 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ukraine, comprising the report thereon of the Working Group on the Universal Periodic Review,[99] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[100]

41st meeting
19 March 2018

[Adopted without a vote.]

37/114. Outcome of the universal periodic review: Sri Lanka

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Sri Lanka on 15 November 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Sri Lanka, comprising the report thereon of the Working Group on the Universal Periodic Review,[101] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[102]

42nd meeting
19 March 2018

[Adopted without a vote.]

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[98] A/HRC/37/15/Add.1; see also A/HRC/37/2, chap. VI.
[99] A/HRC/37/16.
[100] A/HRC/37/16/Add.1; see also A/HRC/37/2, chap. VI.
[101] A/HRC/37/17.
[102] See A/HRC/37/2, chap. VI.

V. Resolution adopted at the twenty-eighth special session

S-28/1. Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and all other relevant United Nations resolutions,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming also their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Convinced that the lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of violations and seriously endangering international peace,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, into the violence and offences against Palestinians by the occupying forces, and to establish judicial accountability for its actions in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the safety, well-being and protection of the Palestinian civilian population under its occupation in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing also that the intentional targeting of civilians and other protected persons in situations of armed conflict, including foreign occupation, constitutes a grave breach of international humanitarian law and international human rights law, and poses a threat to international peace and security,

Recognizing the importance of the right to life and the right to freedom of peaceful assembly and association to the full enjoyment of all human rights,

1. *Condemns* the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including in the context of peaceful protests, particularly in the Gaza Strip, in violation of international humanitarian law, international human rights law and relevant United Nations resolutions, and expresses its grief at the extensive loss of life, including of children, women, health workers and journalists, and at the high number of injuries;

2. *Calls for* an immediate cessation of all attacks, incitement and violence against civilians throughout the Occupied Palestinian Territory, including East Jerusalem;

3. *Calls upon* all parties to ensure that future demonstrations remain peaceful and to abstain from actions that could endanger the lives of civilians;

4. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of crossings to the flow of humanitarian aid, commercial goods and persons, especially those in need of urgent medical attention, to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

5. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, whether before, during or after; to establish the facts and circumstances, with assistance from relevant experts and special procedure mandate holders, of the alleged violations and abuses, including those that may amount to war crimes; to identify those responsible; to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations and abuses, and on protecting civilians against any further assaults; and to present an oral update thereon to the Council at its thirty-ninth session and a final, written report at its fortieth session;

6. *Calls upon* Israel, the occupying Power, and all relevant parties to cooperate fully with the commission of inquiry and to facilitate its access, requests the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedure mandate holders to fulfil their mandates promptly and efficiently;

7. *Decides* to remain seized of the matter.

2nd meeting
18 May 2018

[Adopted by a recorded vote of 29 to 2, with 14 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Iraq, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, United States of America

Abstaining:

Croatia, Ethiopia, Georgia, Germany, Hungary, Japan, Kenya, Panama, Republic of Korea, Rwanda, Slovakia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland]

VI. Thirty-eighth session

A. Resolutions

38/1. Elimination of all forms of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling relevant conventions adopted by the International Labour Organization on the issue of discrimination against women,

Recalling that gender equality and the condemnation of discrimination and violence against women and girls have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

Recalling further the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of gender, and that national legislation should adhere to each State's international obligations,

Recalling that all human rights are universal, indivisible, interdependent and interrelated, that gender equality must be promoted in a comprehensive and systematic manner, and that persistent discrimination within families and societies has a debilitating impact on the equal enjoyment of human rights by women and girls in all aspects of life, and affirming that no State can be indifferent to the violations of human rights anywhere in the world,

Reaffirming women's and girls' economic and social rights, and emphasizing the significant role that women play in economic development and in the eradication of poverty, and that sustainable development will only be achievable with women's economic empowerment and independence, and equal economic rights of women and men, and, where applicable, girls and boys, to economic and productive resources, including ownership and control of land, natural and other productive resources, property, inheritance, and financial services, including microfinance, equal opportunities for women for full and productive employment and decent work, and equal pay for equal work or work of equal value, legal advice and support, vocational training, information and communications technology and markets, and by removing barriers to women's full, equal and meaningful participation in local, national and international economies,

Emphasizing the importance of women's and girls' access to justice and of fostering a responsive justice system that advances and ensures the application of women's and girls' equal rights and opportunities and their full, equal and meaningful participation for achieving the 2030 Agenda,

Recognizing the contribution of families to sustainable development, and acknowledging the benefit of implementing family-oriented policies aimed at, inter alia, eliminating poverty, protecting them from violence, exclusion and involuntary separation, achieving gender equality and the empowerment of all women and girls, the full participation of women in society, a work-family balance and the self-sufficiency of the family unit, and that the equal sharing of family responsibilities creates an enabling environment for the empowerment of all women and girls,

Deeply concerned that discrimination against women and girls persists in all cultures, with different levels of intensity and differing impact,[93] and by the fact that many women and girls everywhere, particularly those with disabilities and those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws, policies and harmful practices, inter alia, female genital mutilation and child, early and forced marriage, and that de jure and de facto equality has not been achieved,

Regretting that specious justifications based on tradition or cultural or religious interpretations contrary to the international obligation to eliminate all forms of discrimination against women and girls are used to keep women and girls from taking an equal place in society and families or from exercising full control over their bodies and their personhood,

Expressing concern at persistent gender gaps and the increase in gender segregation by sector in the labour market, created by discrimination based on patriarchal social norms, showing that women have substantially fewer opportunities than men to participate meaningfully in the economy and in decision-making processes at all levels and areas, to have control over assets, including land, are more likely to be unemployed or underemployed, to be paid less for equal work or work of equal value, and to be engaged in precarious work with limited legal and social protections, and that women and girls undertake a disproportionate share of unpaid care and domestic work,

Stressing the need to promote the right of women to work and their full, equal and meaningful participation in the economy and in decision-making processes at all levels and areas, ensuring access to economic resources, including land and natural resources, and equal pay for equal work or work of equal value, decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and equal sharing of work and family responsibilities for both women and men,

Recognizing that the right to work and just and favourable working conditions, and the right to non-discrimination and gender equality, combined with the right to sexual and reproductive health, also requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, as well as protection from sexual harassment in the workplace and the prohibition of discrimination based on pregnancy, childbirth or parenthood,

Expressing profound concern at the backlash against the progress made by States, international and regional organizations, and civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to economic crisis and inequality, retrogressive lobbies and political or religious interpretations that oppose the struggle for women's and girls' equal rights,

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[93] See A/HRC/38/46.

Recognizing the differing needs of girls and women at different ages and stages of their lives, and the various patterns of discrimination that affect their day-to-day reality,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Strongly condemning discrimination and gender-based violence against women and girls in all its forms, in digital contexts and offline, in public and private spaces, including harassment, sexual and online harassment, domestic violence, including intimate partner violence, ex-partner violence, stalking and so-called "honour-based" violence, and recognizing that they constitute violations or abuses of women's and girls' human rights and are a manifestation of gender inequality and a major impediment to the achievement of women's economic empowerment, independence and social and economic development, imposing short- and long-term costs on society and individuals,

Recognizing the importance of relevant standards of the International Labour Organization relating to the realization of women's right to work and rights at work that are critical for women's economic empowerment, and welcoming the work undertaken by the Organization towards the development of a convention and a recommendation on violence and harassment in the workplace,

Reaffirming that the full enjoyment of all human rights by women includes their right to have control over and to decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders, trade unions and girls' and youth-led organizations, to promoting the economic empowerment of women and girls and the fulfilment of their right to decent work and education, and recognizing also the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive equality in the empowerment of women and girls,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations, and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,[104] and calls upon States to take steps to promote reforms as appropriate and to implement legal frameworks

[104] A/HRC/38/46.

and policies directed to achieving gender equality and the prevention and elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified therein and the recommendations of the Working Group, and also those made by the Special Rapporteur on violence against women, its causes and consequences, other States in the context of the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of human rights of all women and girls;

3. *Calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious interpretation contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender-responsive perspective, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(d) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

(e) To promote legislation, regulation, policies and programmes that facilitate all women's economic empowerment, ensure equal pay for equal work or work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination against women and girls based on pregnancy, maternity, marital status, age, race or gender, as well as violence and harassment against them, including sexual harassment and harassment in digital contexts and online spaces;

4. *Urges* States:

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in all fields and in leadership at all levels of decision-making in public and private sectors;

(c) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

(d) To support gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's rights into teacher training courses, including the prevention of sexual and gender-based violence, and ensuring universal access to evidence-based comprehensive sexuality education;

(e) To provide training on a rights-based gender analysis for duty holders in all spheres and sectors and meaningful collaboration with civil society, including women's and

community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

(f) To support tripartite collaboration among Governments, employers and women workers and their organizations, including trade unions or other representative organizations, to prevent and remove barriers to gender equality and the empowerment of women in the workplace;

5. *Calls upon* States to implement policies and actions directed:

(a) To eradicate poverty and to combat the feminization of poverty, to ensure the full and equal participation of women in the design and implementation of and follow-up to poverty eradication and development policies and programmes, to promote employment and decent work, and to promote the participation of women at all levels and sectors of the economy;

(b) To recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work, including caring for children, family members with disabilities and older family members, by promoting policies and initiatives that support the reconciliation of work and family life and the equal sharing of responsibilities between women and men, to take steps to implement family-oriented policies to achieve a family-work balance and to facilitate the transition of women informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

(c) To enact legislation and undertake reforms as appropriate to realize the equal rights of women and men, and, where applicable, girls and boys, to natural, economic and productive resources, including access to, use of, and ownership of and control over land, property and inheritance rights, including diverse types of land tenure, appropriate new technology and financial services, such as credit, banking and finance, including but not limited to microfinance, as well as equal access to justice and legal assistance in this regard, and ensure women's legal capacity and equal rights with men's to conclude contracts, in particular of groups of women who are subject to multiple and intersecting forms of discrimination;

(d) To promote substantive equality by adopting the measures necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate substantive or de facto discrimination, including, where appropriate, the adoption of temporary special measures, including for gender-specific needs and equal enjoyment benefits;

(e) To encourage and facilitate women's entrepreneurship, including by improving access to financing and investment opportunities, tools of trade, business development and training, through, inter alia, the mobilization of adequate financial resources, capacity-building and the transfer of technology on mutually agreed terms, in order to increase the share of trade and procurement from women's enterprises, including micro-, small and medium-sized enterprises, cooperatives and self-help groups in both the public and private sectors, and to promote girls' and young women's access to training for business development;

(f) To prevent and eliminate all forms of violence and sexual harassment against women and girls in all settings, including public and private life, means of public transport, schools and workplaces, particularly workplaces that are largely male-dominated or where stereotyped roles prevail, by, inter alia, implementing effective violence-prevention and response activities, including by facilitating effective action after sexual harassment has been committed by holding perpetrators to account and providing victims with access to remedies and protection, engaging men and boys, educating children from a young age about the importance of treating all people with dignity and respect, and by designing educational programmes and training materials that support gender equality, human rights, respectful relationships and non-violent behaviour;

(g) To ensure access to justice and accountability mechanisms for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by

informing women and girls about their rights under relevant laws and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

(h) To ensure the equal enjoyment by women and girls of quality education, including at all levels human rights education and training, in a safe environment, leading to effective learning outcomes, thereby facilitating their access to information and communications technology and science, and technology, engineering and mathematics education in order to promote their empowerment and to allow them to develop the skills, information and knowledge necessary to support their labour market entry;

6. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's and girls' full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and in practice can thrive;

7. *Urges* States to promote and protect sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every woman to have full control over and decide freely and responsibly on all matters relating to her sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect bodily autonomy and guarantee universal access to sexual and reproductive health, services, evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[105] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex-, disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

[105] A/HRC/32/20.

10. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

11. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

12. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

36th meeting
5 July 2018

[Adopted without a vote.]

38/2. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Mindful that while globalization opens up new opportunities for growth and development, it also presents challenges, including growing inequality, widespread poverty, unemployment, social disintegration and environmental risks that demand increased coordination and collective decision-making at the global level,

Reaffirming the crucial importance of increasing the resources allocated to official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per

cent of their gross national product to official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Emphasizing the commitment of States in the 2030 Agenda to a revitalized Global Partnership for Sustainable Development based on a spirit of global solidarity, in particular with the poorest and with people in vulnerable situations,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Recognizes* that international solidarity is a powerful tool for addressing the structural causes of poverty, inequality and other global challenges;

9. *Welcomes* the report of the Independent Expert on human rights and international solidarity;[106]

[106] A/HRC/38/40.

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his mandate, and to supply all necessary information requested by him, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate effectively;

11. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

13. *Reiterates* its request to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

14. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

15. *Decides* to continue its consideration of this matter under the same agenda item.

37th meeting
5 July 2018

[Adopted by a recorded vote of 31 to 14, with 1 abstention. The voting was as follows:

In favour:

Afghanistan, Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Mexico]

38/3. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling further General Assembly resolution 48/141 of 20 December 1993, entitled "High Commissioner for the promotion and protection of all human rights", in which the Assembly recalled that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in the promotion and encouragement of respect for human rights,

Reaffirming General Assembly resolution 33/134 of 19 December 1978, entitled "United Nations Conference on Technical Cooperation among Developing Countries", in which the Assembly endorsed the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries,

Recalling all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 35/8 of 22 June 2017 and Assembly resolution 72/171 of 19 December 2017,

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia, that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good-neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Recognizing that the Movement of Non-Aligned Countries, in its Baku Declaration of 6 April 2018, identified the need to promote unity, solidarity and cooperation among States and pledged to strive to make a constructive contribution towards building a new pattern of international relations based on the principles of peaceful coexistence, cooperation among nations and the right to equality of all States,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue contributes to the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

Noting that 2018 will mark the fortieth anniversary of the adoption of the Buenos Aires Plan of Action,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Expresses its concern* at the continued imposition of unilateralism and unilateral coercive measures, which hinder the well-being of the population of the affected countries and create obstacles to the full realization of their human rights;

9. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

10. *Calls upon* the international community to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation and global communications for the promotion of understanding and respect for cultural diversity;

11. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

12. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

13. *Reaffirms* that each State has the inalienable right to choose freely and develop, in accordance with the sovereign will of its people, its own political, social, economic and cultural systems, without interference from any other State, in strict conformity with the Charter;

14. *Re-emphasizes* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism;

15. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

16. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

17. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

18. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

19. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;[107]

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

21. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

22. *Urges* States to continue to support the funds;

23. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

24. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

25. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

26. *Recognizes* that the response of the international community to pandemics that constitute a threat to public health and to various natural disasters is an example to follow in terms of solidarity and international cooperation;

27. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

28. *Requests* the High Commissioner to prepare a report on the work of the Office of the High Commissioner in the implementation and enhancement of international

[107] A/HRC/37/79.

cooperation in the field of human rights, proposing also possible ways to face the challenges to the promotion and protection of human rights, including the right to development, and to submit the report to the Human Rights Council at its forty-first session;

29. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

30. *Recalls* that, in its resolution 72/171, the General Assembly requested the Human Rights Council to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of the principles of non-selectivity, impartiality and objectivity, including in the context of the universal periodic review;

31. *Decides* to continue its consideration of the matter in 2018, in accordance with its annual programme of work.

37th meeting
5 July 2018

[Adopted by a recorded vote of 28 to 14, with 3 abstentions. The voting was as follows:

In favour:

Angola, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Afghanistan, Brazil, Mexico]

38/4. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impacts, and Goal 5 on achieving gender equality and empowering all women and girls,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate

change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[108]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention,[109] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impacts of climate change,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016–2020 workplan, to take into consideration cross-cutting issues, such as gender-responsiveness, human rights and indigenous peoples' and local communities' knowledge,[110]

Welcoming the adoption of the first gender action plan under the Lima Work Programme on Gender at the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of women and girls, who account for the majority of people living in poverty worldwide,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water

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[108] FCCC/CP/2010/7/Add.1, decision 1/CP.16.

[109] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

[110] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that women and girls are disproportionately affected by the negative impacts of climate change, and emphasizing that sudden-onset natural disasters and slow-onset events seriously affect their access to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and access to decent work,

Recognizing also that women are not only victims but also agents of change, and that the integration of a gender-responsive approach into climate policies, including by conducting gender analysis, ensuring women's right to participate, access to education and training and access to and control over adequate resources, such as clean energy and technology, would increase the effectiveness of climate change mitigation and adaptation,

Noting that gender-responsive climate policies continue to require further strengthening in all activities concerning adaptation, mitigation and related means of implementation, such as finance, technology development and transfer, and capacity-building,

Expressing concern that countries lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impacts of climate change on present and future generations,

Welcoming the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Climate Change Conference, organized by Fiji and held in Bonn, Germany in November 2017 and April and May 2018 respectively, and looking forward to the twenty-forth session of the Conference of the Parties in Katowice, Poland in December 2018,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Welcoming the convening of the intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders, and taking note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[111]

Noting the research on addressing human rights protection gaps in the context of migration and the displacement of persons across international borders resulting from the sudden-onset and slow-onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps undertaken by the Office of the High Commissioner, pursuant to Human Rights Council resolution 35/20 of 22 June 2017,[112]

Noting also that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including those of women and girls, when taking action to address the adverse effects of climate change,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[113]

Noting that the Special Rapporteur on the right to food asserted that climate change has long-term and deeper impacts on food insecurity, and recommended that increasing finance to support developing countries in tackling climate change impacts, through adaptation and by addressing loss and damage, is essential,[114]

Noting with appreciation the work of the Climate Vulnerable Forum, which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional and subregional initiatives on climate change, including those incorporating a gender-responsive approach,

Noting with appreciation the statement made in 2009 by the Committee on the Elimination of Discrimination against Women on gender and climate change,

Noting the work being undertaken on the rights of women and girls in the context of the adverse impacts of climate change by United Nations agencies, bodies and entities, including the United Nations Environment Programme, the United Nations Development Programme, the World Health Organization, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee on the Status of Women,

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[111] A/HRC/35/14.
[112] A/HRC/38/21.
[113] A/HRC/31/52.
[114] See A/HRC/37/61.

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and for the people whose situation is most vulnerable to climate change;

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated and gender-responsive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impacts and challenges that climate change represents, for the full and effective enjoyment of human rights for all, particularly to support the resilience and adaptive capacities of women and girls both in rural and urban areas to respond to the adverse impacts of climate change;

5. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, to better promote human rights in general and women's access in particular to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology;

6. *Urges* States to strengthen and implement policies aimed at increasing the participation of women in climate change responses at the local, national, regional and international levels, and calls upon the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations agencies to support upon request national programmes and projects in this regard;

7. *Decides* to incorporate into the programme of work for the forty-first session of the Human Rights Council, on the basis of the different elements contained in the present resolution, a panel discussion on the theme "Women's rights and climate change: climate action, best practices and lessons learned", focusing on best practices and lessons learned in the promotion and protection of the rights of women and girls in the context of the adverse impacts of climate change;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the Human Rights Council at its forty-second session;

9. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, an analytical study on the integration of a gender-responsive approach into climate action at the local, national, regional and international levels for the full and effective enjoyment of the rights of women, to be circulated to States and other stakeholders and to be submitted to the Council in sufficient time but no later than 30 days prior to the forty-first session;

10. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

11. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impacts of climate change on the full and effective enjoyment of human rights, particularly women's rights, within their respective mandates;

12. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

14. *Decides* to remain seized of the matter.

37th meeting
5 July 2018

[Adopted without a vote.]

38/5. Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the fact that all forms of discrimination on the basis of sex are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Reaffirming the importance of fully implementing General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and empower all women and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Recalling the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, including the responsibility of business enterprises to respect human rights, bearing in mind the different risks faced by women and men,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to eliminate violence against women and girls,

Reaffirming that the same rights that people have offline must also be protected online,

Taking note with appreciation of the report of the Special Rapporteur on violence against women, its causes and consequences, on online violence against women and girls,[115]

Taking note with appreciation also of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on the use of encryption and anonymity in digital communications,[116]

Taking note of the report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women,[117]

Recognizing that digital technologies can play an important role in empowering women and girls to exercise all human rights, including the right to freedom of opinion and expression, and in their full, equal and effective participation in political, economic, cultural and social life,

Expressing deep concern at the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Stressing that "violence against women and girls" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including in digital contexts, and noting the economic and social harm caused by such violence,

Reiterating the need to intensify efforts at all levels and to engage with all stakeholders, including men and boys alongside women and girls as agents of change, to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing that violations, abuses, discrimination and violence against women and girls in digital contexts, inter alia, harassment, stalking, bullying, threats of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship and the hacking of digital accounts, mobile telephones and other electronic devices, with a view to discrediting women and girls and/or inciting other violations and abuses against them, are a growing concern and underline the need to address systemic gender-based discrimination through effective responses that are in accordance with human rights,

Recognizing also that violence against women and girls, including in digital contexts, is a global phenomenon rooted in historical and structural inequalities in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of all human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy, and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms,

Recognizing further that violence against women and girls is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic empowerment and impose direct and indirect short- and long-term costs on individuals and society, including loss of livelihood and lack of access to digital financial services and the psychological and physical impact thereof, as well as additional expenses relating to health-care services, the legal sector, social welfare and specialized services,

[115] A/HRC/38/47.
[116] A/HRC/29/32.
[117] A/HRC/35/3–E/CN.6/2017/7.

Condemning the dissemination of content that promotes and reinforces violence against women and girls, which can result in the perpetual revictimization and retraumatization of women and girls, given that a permanent digital record is created by content shared in digital contexts,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Strongly condemning all acts of violence against women and girls involved in political and public life, including women parliamentarians, political candidates, journalists and human rights defenders,

Expressing concern at the institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict equal access to digital technologies, health-care services, education and employment, thus hindering their empowerment, increasing their vulnerability to violence and compounding the violence experienced,

Recognizing the need to ensure the integration of gender perspectives and to promote the early, full and effective participation of women and girls in the conceptualization, development and implementation of digital technologies and related policies, regulation and legislation in an effort to prevent and eliminate violence against women and girls in digital contexts,

Recognizing also the need to strengthen partnerships among all stakeholders to build the capacity of women to fully participate in and enjoy the benefits of the information society, including e-governance, where it exists and as it is developed, and participatory approaches,

Recognizing further that the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts and the continual use and adaptation of digital technologies by perpetrators to avoid detection and investigation call for active cooperation among different actors, including States and their law enforcement and judicial authorities, and private actors with regard to detecting crimes, reporting them to competent authorities for investigation, safeguarding electronic evidence of crimes and handing the evidence over to those authorities in a timely manner,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Condemns in the strongest possible terms* all forms of violence against women and girls, including sexual and gender-based violence, perpetrated through the use of digital technologies;

3. *Expresses deep concern* that all forms of discrimination, intimidation, harassment and violence in digital contexts prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association, and the right to privacy, in accordance with obligations under international law, which hinders their full, equal and effective participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

4. *Recognizes* that the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health includes having access to the information, education and means to exercise this right, both online and offline;

5. *Also recognizes* that digital technologies can offer access to information that enables women and girls to make informed and autonomous decisions in matters regarding their own bodies, lives and health, including their sexual and reproductive health and reproductive rights, in accordance with the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences;

6. *Further recognizes* that encryption and anonymity may contribute to individuals' full enjoyment of human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with international law, and may empower individuals, including women and girls, to access information and ideas, to seek help, assistance and guidance and to freely explore and express ideas relating to their identity and human rights;

7. *Draws attention* to the fact that, in order to ensure the full participation of women and girls in the digital age, digital divides, which disproportionately affect women and girls living in rural or remote areas, need to be addressed by facilitating women's and girls' equal access to digital technologies, to science, technology, engineering and mathematics education and to a technological environment that is conducive to engagement by all women and girls, including through the use of assistive technologies, and promotes a safe and secure digital environment for women and girls, without discrimination or risk of violence and with particular focus on the needs of women and girls facing intersecting systemic inequalities;

8. *Stresses* that violence against women and girls may discourage them from using digital technologies, thereby depriving them of effective tools to fully enjoy their human rights, and could result in additional economic, social and psychological harm to them;

9. *Recognizes* that a proactive and reactive multipronged approach, working with all relevant parties, to eliminate violence against women and girls in digital contexts is required, including education and media campaigns, promoting a culture of respect and non-discrimination online and offline, and maintaining awareness of technological change in order to respond to new methods of violence against women and girls in digital contexts as they emerge;

10. *Calls upon* States to take immediate and effective action to prevent all forms of violence against women and girls, including in digital contexts, by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations, and risk factors of violence against women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and girls and are in compliance with their international human rights obligations;

(b) Prioritizing the integration of gender perspectives, and ensuring the early, full and effective participation of women and girls in the development and implementation of national policies, legislation, programmes, projects, strategies and regulatory and technical instruments in the area of digital technologies and creating monitoring and accountability mechanisms to ensure implementation of gender-sensitive policies and regulations, as well as analysing the gender impact of such policies in consultation and collaboration with women digital technology specialists, civil society organizations and gender equality advocates;

(c) Supporting initiatives taken by, inter alia, relevant international and non-governmental organizations, business enterprises, faith and community groups, religious leaders, parliamentarians, journalists, national human rights institutions, human rights defenders, including women human rights defenders, and indigenous leaders and groups, as part of their efforts to develop targeted and accessible responses, programmes and policies, including by allocating adequate resources aimed at promoting gender equality and at preventing, responding to and protecting women and girls from violence in digital contexts;

(d) Encouraging digital technology companies, including Internet service providers and digital platforms, to strengthen or adopt positive measures, including internal policies, to promote gender equality in the design, implementation and use of digital technologies with a view to eliminating violence against women and girls, and to refrain from presenting women and girls as inferior beings and exploiting them as sexual objects and commodities, thereby empowering women and girls as key actors and contributors to and beneficiaries of sustainable development;

(e) Promoting, supporting and facilitating the full, equal and meaningful participation of women and girls in digital technology conceptualization, development and implementation so that they can fully, safely and actively participate in decision-making, policies and institutions at all levels;

(f) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with their meaningful participation, with appropriate direction and guidance from parents and legal guardians, and with the active involvement of all relevant stakeholders, in order to empower them to safely use and navigate digital technologies, to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(g) Ensuring that women and girls are able to exercise the right to freedom of opinion and expression online and offline without discrimination, and do not experience violence or threats of violence while exercising this right;

(h) Enacting and enforcing the necessary legislative or other measures, in cooperation with relevant stakeholders, including the private sector and civil society organizations, to prevent and eliminate violence against women and girls in digital contexts;

(i) Mainstreaming a gender perspective into their criminal justice systems and into efforts to prevent and combat crime, including digital technology-mediated and transnational organized crime, including by developing and implementing national criminal justice legislation, policies and programmes that take into account the important role and specific needs of women and girls and by promoting gender-specific measures in crime prevention and protection policies;

11. *Also calls upon* States to take immediate and effective action to respond to all forms of violence against women and girls, including in digital contexts, and to protect all victims and survivors by:

(a) Holding perpetrators to account and combating impunity for all forms of violence, including violence used to intimidate women and girls who are exercising the right to freedom of opinion and expression;

(b) Ensuring that legislation allows for the timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts;

(c) Publicly condemning all forms of violence against women and girls through media and information campaigns and providing women and girls with effective remedies for violence that takes place in digital contexts, including remedies that protect their privacy and avoid their secondary victimization;

(d) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and available, including in digital contexts, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters

related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(e) Removing gender bias from the administration of justice and enhancing the capacity and capability of law enforcement officials to address violence against women and girls, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating a gender perspective into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(f) Ensuring that all actors involved in or attempting to commit violence against women and girls are held accountable and brought to justice, taking into account the multi-jurisdictional and transnational nature of violence against women and girls in digital contexts;

(g) Encouraging business enterprises, in the effective implementation of the Guiding Principles on Business and Human Rights, to protect the private data of women and girls, to create transparent and effective processes for reporting violence and to develop policies that meaningfully protect women and girls from violence in digital contexts;

(h) Encouraging and ensuring the participation of women and girls in the development and implementation of policies, programmes and other initiatives aimed at eliminating violence against women and girls in digital contexts;

(i) Establishing a system to regularly collect, analyse and publish statistical data disaggregated by sex, age and disability status on complaints about all forms of gender-based violence against women and girls;

12. *Encourages* States and, as appropriate, the relevant funds and programmes, organizations and specialized agencies of the United Nations system, international financial institutions, civil society organizations, the private sector and other stakeholders:

(a) To collect, share, positively recognize and widely publicize good practices to counter gender stereotyping, negative portrayals and the exploitation of women and girls in all forms of media and digital technologies as part of their efforts to eliminate violence and discrimination against women and girls;

(b) To enhance, for the benefit of women and girls, international cooperation in support of national efforts to create an enabling environment to reduce the digital and information divides between developed and developing countries, and to promote, develop and enhance access to digital technologies;

13. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-eighth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its fortieth session;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences as a matter of high priority, in conformity with its annual programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]

38/6. Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling its resolutions 27/22 of 26 September 2014, on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation, and 32/21 of 1 July 2016, on the elimination of female genital mutilation,

Recalling also General Assembly resolution 71/168 of 19 December 2016, on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the General Assembly, the Commission on the Status of Women and the Human Rights Council on measures to eliminate traditional practices that are detrimental to the rights of women and girls,

Recalling further the Vienna Declaration and Programme of Action,[118] the Programme of Action of the International Conference on Population and Development,[119] the Beijing Declaration and Platform for Action[120] and the outcomes of their review conferences,

Welcoming the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[121] and the Addis Ababa Action Agenda,[122] adopted as the outcome document of the Third International Conference on Financing for Development,

Recognizing that female genital mutilation is a harmful practice that violates, abuses and undermines the human rights of women and girls, that it is linked to other harmful practices and violations of such rights, which it perpetuates, and that such practices and violations, in turn, pose a serious threat to the health and well-being of women and girls, including their physical integrity and their mental, sexual and reproductive health,

Recognizing also that the practice has no documented health benefits and may, on the contrary, increase the risk of sickness and death, that it causes severe stress and shock, that it may give rise to post-partum and obstetric complications such as fistula or haemorrhage, and that it is likely to increase vulnerability to HIV and hepatitis C and B and to cause other health problems,

Recognizing further that the practice of female genital mutilation continues to have an adverse effect not on only the economic, legal, health and social status of women and girls, but also on the development of society as a whole, while the empowerment of and investment in women and girls, their full enjoyment of their human rights and their full, equal, effective and meaningful participation at all levels of decision-making are key to breaking the cycle of gender inequality, discrimination, gender violence and poverty and are critical, inter alia, to sustainable development,

Recognizing that female genital mutilation and all other harmful practices are mainly motivated by gender inequality and patriarchal social norms that jeopardize the recognition,

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[118] A/CONF.157/24 (Part I), chap. III.

[119] General Assembly resolution S-21/2, annex.

[120] Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[121] General Assembly resolution 70/1.

[122] General Assembly resolution 69/313, annex.

enjoyment and exercise of the human rights and fundamental freedoms of women and girls, and that harmful practices constitute a human rights violation and a form of violence against women and children,

Recognizing also that harmful practices such as female genital mutilation are an impediment to the full realization of gender equality and the empowerment of women and girls, respect for all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Convinced that such harmful practices seriously impede the implementation of legislative and normative frameworks that guarantee gender equality and human rights and prohibit gender-based discrimination,

Deeply concerned that, despite increased national, regional and international efforts, the practice of female genital mutilation persists in all parts of the world and that new forms, such as medicalization and cross-border practice, are emerging,

Concerned about evidence of an increase in the incidence of female genital mutilation being carried out by medical personnel in all regions in which it is practised,

Recognizing that the practice constitutes torture or ill-treatment and must be prohibited, in accordance with regional and international human rights standards, and that the trend towards the medicalization of female genital mutilation does not make it any more acceptable,

Expressing deep concern about the lack of effective measures for prosecuting perpetrators and providing victims of female genital mutilation with access to remedies and redress, health care and health services, psychosocial counselling, legal assistance and socioeconomic reintegration services,

Recognizing the role of regional and subregional instruments and mechanisms in the prevention and elimination of female genital mutilation,

Taking note of the "UNiTE to end violence against women" campaign launched by the Secretary-General in 2018,

Recalling the inter-agency global strategy launched in 2010 by the World Health Organization to stop health-care providers from performing female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice cannot be justified on religious or cultural grounds,

Recognizing that efforts at the local, national, regional and international levels have led to a decline in the global prevalence of female genital mutilation, but remaining deeply concerned that there is still a significant shortfall in the resources allocated to the elimination of female genital mutilation and that the lack of funding has severely limited the scope and roll-out of programmes and activities designed to eliminate the practice,

Reaffirming the obligations and commitments of States to respect, protect and promote the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of female genital mutilation,

Bearing in mind that States have primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice,

1. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilation, including medical acts performed within or outside of medical institutions, and to take all necessary measures to prohibit female genital mutilation and to protect women and girls from this form of violence;

2. *Also urges* States to adopt, implement, harmonize and enforce laws and policies to prevent and put an end to female genital mutilation, protect those at risk and support women and girls who have been subjected to the practice;

3. *Calls upon* States to develop and implement, with the participation of the relevant stakeholders — including girls, women, religious and traditional leaders, community leaders, health-care providers, civil society, human rights groups, men and boys and youth organizations — integrated, comprehensive and coordinated strategies and policies to prevent and eliminate all forms of female genital mutilation;

4. *Urges* States to ensure the national implementation of international and regional obligations that they have undertaken under the various international instruments that protect the full enjoyment of all human rights and fundamental freedoms of women and girls;

5. *Stresses* that the empowerment of women and girls is key to breaking the cycle of discrimination and violence and to promoting and protecting human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States, the international community and the United Nations system to stop the medicalization of female genital mutilation, which implies drawing up and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so as to provide an adequate response to the chronic mental and physical health problems of the millions of women and girls who have undergone female genital mutilation, as these problems hinder progress in the field of health in general and in the protection of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to respect, protect and promote the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable their enjoyment of all human rights and all fundamental freedoms, including their sexual and reproductive health;

8. *Also urges* States to promote accountability and ensure access to justice for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of female genital mutilation, including by informing women and girls about their rights and removing all barriers to access to legal assistance and remedies;

9. *Calls upon* States to take the following immediate and effective measures to eradicate the practice of female genital mutilation:

(a) Address the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations such as patriarchal norms that perpetuate female genital mutilation;

(b) Place special emphasis on formal and informal education, in particular for young people, including girls, and for parents and religious, traditional and community leaders, about the harmful effects of female genital mutilation, and, in particular, encourage men and boys to become more involved in information and awareness campaigns and to be agents of change within communities, with the meaningful participation of women and girls who have been subjected to the practice;

(c) Continue and intensify their efforts to provide information and raise awareness about the harmful effects of female genital mutilation, increase their support for action to eliminate the practice at the community, national and international levels, and organize activities within this framework during the International Day of Zero Tolerance for Female Genital Mutilation, with the involvement of religious and traditional authorities;

(d) Develop, support and promote, as appropriate, educational programmes, including programmes on sexual and reproductive health, that challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(e) Adopt national legislation prohibiting female genital mutilation, in line with international human rights law, and take steps to ensure its strict application, while working to harmonize their laws in order to effectively combat the cross-border practice of female genital mutilation, including by strengthening transnational police and judicial cooperation

in the exchange of information on victims and perpetrators of female genital mutilation, in accordance with national laws and policies and international human rights law;

(f) Systematize the collection of data on female genital mutilation, encourage research, particularly at university level, transparency, accountability and data-sharing by the relevant stakeholders, and use the results to strengthen public information and awareness-raising activities and effectively measure the progress made in eliminating female genital mutilation;

(g) Assist professional associations and trade unions of health service providers in adopting internal disciplinary rules prohibiting their members from engaging in the harmful practice of female genital mutilation;

10. *Also calls upon* States to provide assistance to women and girls who are victims of female genital mutilation, including through appropriate support services for treatment of the physical, physiological and psychological consequences;

11. *Encourages* States to consider presenting, during the universal periodic review, relevant recommendations on measures to prevent and eliminate female genital mutilation;

12. *Invites* the international community to keep the issue of the elimination of female genital mutilation on the agenda of development policies and to devote special attention to the issue in the implementation of the Sustainable Development Goals between now and 2030;

13. *Calls upon* States to continue to increase technical and financial assistance for the effective implementation of policies, programmes and action plans to eliminate female genital mutilation at the national, regional and international levels;

14. *Invites* the Joint Programme on Female Genital Mutilation/Cutting of the United Nations Population Fund and the United Nations Children's Fund to continue to develop the national capacities of States and local communities, including in the health sector, to ensure the effective implementation of policies, programmes and action plans with the involvement of all stakeholders, and encourages States and development cooperation agencies to consider increasing their financial support for the Joint Programme;

15. *Invites* the United Nations High Commissioner for Human Rights and the relevant human rights treaty bodies to continue to give special consideration to the question of the elimination of female genital mutilation;

16. *Requests* the United Nations High Commissioner for Human Rights, in close collaboration with the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other United Nations specialized agencies, funds and programmes, international human rights mechanisms and civil society organizations, to organize a two-day meeting in 2019, preferably in Addis Ababa, to discuss progress, gaps and challenges in the application of human rights norms, standards and principles to the measures taken by State and non-State actors to prevent and eliminate female genital mutilation in different contexts, including in the context of communities, humanitarian assistance and migration and other population movements, and to submit a report on the outcome of the above-mentioned meeting at the forty-fourth session of the Human Rights Council;

17. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]

38/7. The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 20/8 of 5 July 2012, 26/13 of 26 June 2014 and 32/13 of 1 July 2016 on the promotion, protection and enjoyment of human rights on the Internet, and Council resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 28/16 of 26 March 2015 and 34/7 of 23 March 2017 on the right to privacy in the digital age, 23/2 of 13 June 2013 on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, and recalling also General Assembly resolutions 68/167 of 18 December 2013, 69/166 of 18 December 2014 and 71/199 of 19 December 2016 on the right to privacy in the digital age, 70/184 of 22 December 2015 on information and communications technologies for development, and 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge digital divides and to develop knowledge societies,

Recalling that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights entitled "Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective"[123] and of the recommendations contained therein, in particular with regard to combating gender-based violence online,

Bearing in mind previous relevant reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on the right to privacy,

Noting the launch by the General Conference of the United Nations Educational, Scientific and Cultural Organization of a process to develop an Internet universality indicator framework to assess the contribution to sustainable development from an Internet based on respect for human rights, openness and accessibility to all and guided by multi-stakeholder participation,

Noting also the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo, Brazil, on 23 and 24 April 2014, at which participants acknowledged, inter alia, the need for human rights to underpin Internet governance, and that the rights that people have offline must also be protected online, and the session of the Internet Governance Forum held in Geneva from 18 to 21 December 2017, and previous sessions of the Forum,

Noting further the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation

[123] A/HRC/35/9.

can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Expressing concern at the increasing use, in a globalized society, by terrorists and their supporters, of information and communications technology, and noting in this regard that the prevention and suppression of terrorism is a public interest of great importance, while reaffirming that States must ensure that any measures taken to combat terrorism are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, can be important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of expression and to freedom of peaceful assembly and association,

Emphasizing also that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and the digital divides, as they affect the enjoyment of the right to education, and underlining also the important role that international cooperation can play in this regard,

Expressing concern that many forms of digital divide remain between and within countries, and between men and women and boys and girls, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

Recognizing that violations and abuses of women's rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of opinion and expression, freedom of association and privacy,

Noting with concern the various forms of undue restriction of freedom of opinion and expression online, including where States have manipulated or suppressed online expression in violation of international law,

Expressing concern at the spread of disinformation and propaganda on the Internet, which can be designed and implemented so as to mislead, to violate human rights and privacy and to incite violence, hatred, discrimination or hostility,

Concerned at the arbitrary or unlawful collection, retention, processing and use or disclosure of personal data on the Internet, which could violate or abuse human rights,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures in violation of international human rights law that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, in violation of their rights to privacy and to freedom of expression,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation,

Recognizing that international human rights law should guide private sector actors and be the basis for their policies,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all States to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technology in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet for all children, which can be an important tool in facilitating the promotion of the right to education, and to support similar learning modules outside of schools;

5. *Calls upon* all States to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education globally, underlining the need to address digital literacy and the digital divides;

(c) Promoting equal opportunities, including gender equality, in the design and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society

actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

6. *Calls upon* States to ensure effective remedies for human rights violations, including those relating to the Internet, in accordance with their international obligations;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technology and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Encourages* business enterprises to work towards enabling technical solutions to secure and protect the confidentiality of digital communications, which may include measures for encryption and anonymity, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law;

10. *Condemns unequivocally* all human rights violations and abuses such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as trafficking in persons, and sexual and gender-based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability in this regard;

11. *Also condemns unequivocally* online attacks against women, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

12. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling online environment for the enjoyment of human rights so that journalists may perform their work independently and without undue or unlawful interference, including by allowing them to secure their communications and to protect the confidentiality of their sources;

13. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online;

14. *Condemns* all undue restrictions on freedom of opinion and expression online that violate international law, and notes with concern that such restrictions have a significant impact on women and girls and other individuals who may face multiple and intersecting forms of discrimination;

15. *Stresses* the importance of combating advocacy of hatred on the Internet, which constitutes incitement to discrimination or violence, including by promoting tolerance, education and dialogue;

16. *Calls upon* States, while fully respecting their human rights obligations and commitments regarding freedom of opinion and expression, to encourage media training, educational campaigns and other efforts aimed at identifying and raising awareness about information online that may be deliberately misleading or false;

17. *Urges* States to adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights;

18. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access and the enjoyment of human rights;

19. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

20. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, and of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

37th meeting
5 July 2018

[Adopted without a vote.]

38/8. Human rights in the context of HIV and AIDS

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and all relevant international human rights treaties,

Reaffirming also that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming further that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling Human Rights Council resolutions 12/27 of 2 October 2009, 30/8 of 1 October 2015, 32/15 of 1 July 2016, 35/23 of 23 June 2017 and 36/13 of 28 September 2017, and other relevant resolutions of the Council and the Commission on Human Rights,

Reaffirming the Political Declarations on HIV and AIDS adopted by the General Assembly on 2 June 2006, 10 June 2011 and 8 June 2016, and the Declaration of Commitment on HIV/AIDS adopted by the Assembly on 27 June 2001,

Recalling the International Guidelines on HIV/AIDS and Human Rights, annexed to Commission on Human Rights resolution 1997/33 of 11 April 1997, which provide guidance on ensuring respect for and the protection and fulfilment of human rights in the context of HIV,

Recalling also resolution 60/2 on women, the girl child and HIV and AIDS, adopted on 24 March 2016 by the Commission on the Status of Women,

Recalling further the panel discussion held on 11 March 2016, at the thirty-first session of the Human Rights Council, to review the progress in and challenges of addressing human rights in the context of efforts to end AIDS by 2030,[124]

[124] See A/HRC/32/25.

Welcoming the 2017 Social Forum, on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics, and taking note with appreciation of its report,[125]

Recognizing the leading role of the Joint United Nations Programme on HIV/AIDS and its co-sponsor organizations, such as the World Health Organization, in the global effort to end AIDS by 2030,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Welcoming the Sustainable Development Goals, including Goal 3 on ensuring healthy lives and promoting well-being for all at all ages, and its specific and interlinked targets, particularly target 3.3, which envisages ending by 2030 the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combating hepatitis, waterborne diseases and other communicable diseases, as well as all other health-related Goals,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

Recognizing also that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Recognizing further that universal health coverage anchored in respect for and the protection and fulfilment of the human right to health is essential in the response to HIV and AIDS,

Noting with grave concern that, in spite of recent progress in the response to the HIV epidemic, approximately 36.7 million people are living with HIV globally, that an estimated 11.2 million people living with HIV are unaware of their HIV status, and that another 6 million who know of their infection have no access to antiretroviral therapy,

Particularly concerned that progress against the HIV epidemic is uneven across regions, countries and populations, that in some parts of the world new infections are increasing and access to HIV prevention, diagnosis, treatment, care and support remains limited, and that populations most in need of HIV services continue to be left behind,

Recognizing that women and girls are more vulnerable to HIV infection and that they bear a disproportionate burden of the impact of the HIV and AIDS epidemic, which includes care of and support for those living with and affected by HIV and AIDS, and that this negatively affects girls by depriving them of their childhood and diminishing their opportunities to receive an education, often resulting in their having to head households and increasing their vulnerability to the worst forms of child labour and to sexual exploitation,

Concerned at the continuing high prevalence of HIV among key populations,

Recognizing that addressing the holistic needs and rights of persons living with, at risk of or affected by HIV throughout the course of their life will require close collaboration with efforts to end poverty and hunger everywhere, to improve food and nutrition security and access to free, non-discriminatory primary and secondary education, to promote healthy lives and well-being, to provide access to HIV-sensitive social protection for all, including for children, to reduce inequalities within and among countries, to achieve gender equality and the empowerment of all women and girls, to provide for decent work and economic empowerment and to promote healthy cities, stable housing and just and inclusive societies for all,

[125] A/HRC/37/74.

Reaffirming that the full realization of all human rights and fundamental freedoms for all is an essential element in the global response to the HIV epidemic, including in the areas of prevention, diagnosis, treatment, care and support, and that such a response reduces a person's vulnerability to HIV,

Recognizing that addressing stigma, discrimination, violence and abuse against all persons living with, presumed to be living with, at risk of or affected by HIV is a critical element in ending AIDS,

Mindful of the importance of national, regional and international legal environments ensuring universal access to HIV-related prevention, diagnosis, treatment, care and support, including for key populations,

Recognizing the critical role and space of civil society, including communities, affected populations and community-based organizations, as a catalyst for rights-based and evidence-informed responses to HIV, and recognizing their long-standing contribution to the global response to AIDS,

Stressing the need for the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines, in particular essential medicines, vaccines, diagnostics and medical devices that are affordable, safe, efficacious and of quality; financial and technical support and training of personnel, while recognizing that the primary responsibility for respecting, protecting and fulfilling all human rights rests with States; and recognizing the fundamental importance of the transfer of environmentally sound technologies on favourable terms, including on concessional and preferential terms, as mutually agreed,

Reaffirming the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), which provides flexibilities for the protection of public health and promotes access to medicines for all, in particular for developing countries, and in the Doha Declaration on the TRIPS Agreement and Public Health, which recognizes that intellectual property protection is important for the development of new medicines and also recognizes the concerns about its effects on prices,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should work in close cooperation with regional organizations,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, including in the context of the response to HIV,

1. *Affirms* that respect for and the protection and fulfilment of human rights in the context of HIV, including universal access to HIV-related prevention, diagnosis, treatment, care and support, are an essential element in achieving the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and in ending AIDS;

2. *Welcomes* the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030, adopted by the General Assembly in its resolution 70/266 of 8 June 2016, and urges States to take all steps necessary to implement the commitments therein;

3. *Calls upon* all States and relevant United Nations funds, programmes and specialized agencies, and international and regional intergovernmental and non-governmental organizations, to continue to take all steps necessary to ensure respect for and the protection and fulfilment of human rights and to prevent and eliminate stigma, discrimination, violence and abuse in the context of HIV as an essential part of efforts to achieve the goal of universal access to HIV prevention, diagnosis, treatment, care and support;

4. *Urges* States to ensure full and unimpeded access for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations, to HIV prevention, diagnosis, treatment, care and support, in a public health environment free from discrimination, harassment or persecution against those seeking HIV-related services, while respecting and protecting their right to privacy, confidentiality and free and informed consent;

5. *Also urges* States to bring their laws, policies and practices, including their strategies for implementing the HIV- and other health-related Sustainable Development Goals, fully into compliance with their obligations under international human rights law, and to review or repeal those that are discriminatory or that adversely affect the successful, effective and equitable delivery of HIV prevention, diagnosis, treatment, care and support programmes for all persons living with, presumed to be living with, at risk of or affected by HIV, including key populations;

6. *Expresses grave concern* that discriminatory attitudes and policies towards persons living with, presumed to be living with, at risk of or affected by HIV, including those co-infected by tuberculosis, continue to be reported, and that restrictive and punitive legal and policy frameworks continue to discourage and prevent people from having access to prevention, diagnosis, treatment, care and support services;

7. *Welcomes and encourages* regional efforts to set ambitious targets and design and implement strategies to accelerate the response to end AIDS;

8. *Encourages* the exchange, among countries and regions, of information, research, evidence, best practices and experiences for implementing the measures and commitments relating to the global response to HIV and AIDS, as well as subregional, regional, interregional and global cooperation and coordination;

9. *Reaffirms* that access to safe, effective and affordable medicines, diagnosis and treatment for all, without discrimination, in the context of epidemics such as HIV and AIDS, is fundamental to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

10. *Recognizes* the need to scale up national, regional and international efforts, including by increasing investments, funding, official development assistance, and technology transfer on mutually agreed terms, to reduce the rate of new HIV infections and AIDS-related deaths, in order to avoid the epidemic rebounding in some countries, which may not reach the ambitious, time-bound targets and commitments already set, including the Joint United Nations Programme on HIV/AIDS 90-90-90 treatment targets by 2020 and the target of ending the AIDS epidemic by 2030;

11. *Strongly encourages* States, in the context of HIV prevention, diagnosis, treatment, care and support, to provide human rights education and training for health workers, the police, law enforcement officers and prison staff, and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and non-harassment, so as to allow outreach and other service activities and to exchange best practices in this regard;

12. *Stresses* that the lack of respect for and of protection and fulfilment of the human rights of all women and girls and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, and of their enjoyment of the right to the highest attainable standard of physical and mental health, aggravates the impact of the epidemic among them and increases their vulnerability;

13. *Calls upon* States to address as a priority the vulnerabilities faced by children affected by or living with HIV, providing those children and their families with social protection, support and rehabilitation, including social and psychological rehabilitation and care, paediatric services and medicines, free from stigma and discrimination, and intensifying efforts to eliminate vertical transmission and to develop and provide early diagnosis tools, child-friendly medicine combinations and new treatments for children,

particularly for infants living in resource-limited settings, and building, where needed, and supporting social security systems that protect them;

14. *Emphasizes* that addressing the specific needs of adolescents and young people, especially girls and young women, in the response to HIV is a key element in efforts to achieve an AIDS-free generation, and urges Member States to develop accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, as well as comprehensive education programmes, including those related to sexually transmitted infections, and to strengthen efforts in this regard, including by ensuring the active involvement of young people living with or affected by HIV in the response;

15. *Calls upon* States to accelerate efforts to scale up scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, sexuality and HIV prevention, gender equality and women's empowerment, human rights, and physical, psychological and pubertal development;

16. *Recalls* that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by persons living with, presumed to be living with or affected by HIV and by members of key populations have negative consequences for their enjoyment of the highest attainable standard of mental health;

17. *Emphasizes* the need to take into account the public health dimension of the world drug problem, in accordance with the operational recommendations of the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem";[126]

18. *Stresses* that breaking the cycles of HIV transmission requires ensuring that all people receive adequate HIV prevention, diagnosis, treatment, care and support throughout their life cycles, including specialized care for HIV and other chronic conditions linked to ageing, response to drug-resistant strains of HIV, and resistance to antiretrovirals as well as antimicrobial resistance;

19. *Urges* States to address the multiple and intersecting forms of discrimination and the specific health-care needs experienced by migrant and mobile populations, and by refugees and crisis-affected populations, in the context of HIV and to eliminate stigma, discrimination and violence, as well as to review policies related to restrictions on entry on the basis of HIV status with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, diagnosis, treatment, care and support;

20. *Stresses* the need to ensure that gender equality strategies also address the impact of harmful gender norms, including delayed health-seeking behaviours, lower coverage of HIV testing and treatment and higher HIV-related mortality among men, in order to ensure better health outcomes for men and to reduce HIV transmission to partners;

21. *Also stresses* that comprehensive HIV prevention, diagnosis, treatment, care and support should be available in prisons and other custodial settings;

22. *Encourages* States, United Nations agencies, funds and programmes, international, regional and non-governmental organizations, national human rights institutions and other relevant stakeholders to ensure the meaningful participation of persons living with or affected by HIV and of key populations both in decision-making processes relating to, and in the implementation of, policies and programmes on HIV;

23. *Requests* the United Nations High Commissioner for Human Rights to organize a consultation, in the first half of 2019, in coordination with the Joint United Nations Programme on HIV/AIDS, lasting one and a half days, to discuss all relevant issues and challenges pertaining to respect for and the protection and fulfilment of human rights in

[126] General Assembly resolution S-30/1.

the context of the response to HIV, with a focus on regional and subregional strategies and best practices;

24. *Also requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, the special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the treaty bodies, regional human rights and health organizations and bodies, national human rights institutions and civil society, including persons living with, presumed to be living with, at risk of or affected by HIV;

25. *Further requests* the High Commissioner to prepare a report on the outcome of the consultation, in which the High Commissioner identifies regional and subregional strategies and best practices to respond to the HIV epidemic and to respect, protect and fulfil the rights of persons living with, presumed to be living with, at risk of or affected by HIV, and to present the report to the Human Rights Council at its forty-first session.

37th meeting
5 July 2018

[Adopted without a vote.]

38/9. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 35/2 of 22 June 2017, and the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, including Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including internally displaced persons and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International

Conference on Financing for Development for ensuring the full realization of the Sustainable Development Goals,

Reiterating also the importance of early childhood development as a valuable foundation of the entire basic education system,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, discrimination based on race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status, early marriage or pregnancy, the lack of appropriate sanitary facilities, gender stereotypes, patriarchal social norms, and on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, the development by experts of guiding principles and tools for States, and ensuring justiciability of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as:

(a) Reviewing national education governance systems, which include the laws, policies, institutions, administrative procedures and practices, monitoring and accountability mechanisms, and judicial procedures relating to the right to education, in accordance with their obligations under international human rights law and remaining consistent with the commitments undertaken by all States in the Sustainable Development Goals;

(b) Applying the principles of transparency, accountability and non-discrimination in national and local education governance and management structures, inter alia, by ensuring that governance structures and practices are accessible to the public and are verifiable;

(c) Promoting inclusive participation in education governance mechanisms and procedures, inter alia, by facilitating the inclusion in and engagement of teachers, parents and local authorities, students and other stakeholders in the education governance system;

(d) Promoting human rights training for all actors and stakeholders in education governance systems, addressing national education and training programmes, and ensuring that the components and processes of education governance and management, including curricula, methods and training, are undeniably conducive to strengthening learning about human rights;

(e) Developing national monitoring and evaluation systems to inform education policies and to assess whether education systems are meeting national objectives, human

rights obligations and the Sustainable Development Goals, inter alia, by collecting detailed and disaggregated data in order to evaluate whether the target populations, including girls and women, and members of groups in vulnerable situations, are adequately included, and how they are performing;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Urges* States to put in place a regulatory framework to ensure the regulation of all education providers, including those operating independently or in partnership with States, guided by international human rights law and principles, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Welcomes*:

(a) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on governance and the right to education;[127]

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

8. *Calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

9. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical steps, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

[127] A/HRC/38/32.

10. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations;

11. *Also calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, including by taking measures to deter the military use of schools, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

12. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

13. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

14. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children, in schools and other educational settings, and to realize gender equality and the right to education for all;

15. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

16. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

17. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

18. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

19. *Decides* to remain seized of the matter.

37th meeting
5 July 2018

[Adopted without a vote.]

38/10. Human rights and the regulation of civilian acquisition, possession and use of firearms

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other international human rights law instruments and the Vienna Declaration and Programme of Action,

Recalling also General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 and decision 5/101 of 18 June 2007, 16/21 of 25 March 2011, 26/16 of 26 June 2014 and 29/10 of 2 July 2015,

Recalling in particular that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[128] in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies,

Recalling that States bear the primary responsibility under international law to respect, protect and fulfil all human rights, namely civil, political, economic, social and cultural rights, and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,

Reaffirming that everyone has the right to life, liberty and security of person and is entitled to the realization of their economic, social and cultural rights, and to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Alarmed that hundreds of thousands of human beings of all ages around the world continue to have their human rights, in particular their right to life and security of person, negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, and domestic violence,

Noting with concern that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, and may lead to severe disability and an overall decline in a sense of public safety,

Recognizing that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

Recognizing also that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms,

Recognizing further the importance of systematic measuring, monitoring and reporting of civilian firearms related-violence for the enjoyment of human rights,

Acknowledging that effective national regulation of civilian acquisition, possession and use of firearms may contribute positively to diminishing the number of victims of the misuse of firearms, and may enhance the protection of all human rights, namely civil, political, economic, social and cultural rights,

Acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, to ensure that civilian acquisition, possession and use of firearms in their respective societies are effectively regulated,

1. *Reiterates* its deep concern at the fact that hundreds of thousands of human beings of all ages around the world have lost their lives or suffered injuries and psychological harm by the misuse of firearms by civilians, thus having their human rights, in particular their right to life and security of person, negatively affected;

2. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life, security of person and physical integrity, and also affect other civil

[128] General Assembly resolution 70/1.

and political, as well as economic, social and cultural rights, including the rights to health, to education, to an adequate standard of living and social security and to the right to participate in public, political and cultural life;

3. *Calls once more upon* all States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, in order to ensure that civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of the human rights of all;

4. *Calls upon* States to ensure that regulations on civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including diversion of firearms;

5. *Calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on human rights and the regulation of civilian acquisition, possession and use of firearms, and the different ways in which firearms have been effectively regulated;[129]

7. *Requests* the High Commissioner to prepare a report on the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights with a view to contributing to a fuller understanding of that impact by States and other relevant stakeholders, and to the strengthening or developing of effective national regulation and to other possible measures taken by States, and to present the report to the Human Rights Council at its forty-second session;

8. *Invites* all relevant special procedures, commissions of inquiry and human rights treaty bodies, as well as the Office of the High Commissioner, to continue to bear in mind the present resolution within the framework of their respective mandates;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States;

10. *Decides* to remain seized of this issue.

37th meeting
5 July 2018

[Adopted without a vote.]

38/11. The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant regional human rights instruments,

Recalling the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reaffirming that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United

[129] A/HRC/32/21.

Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 31/37 of 24 March 2016 on the promotion and protection of human rights in the context of peaceful protests, and other relevant resolutions of the Human Rights Council,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, and be necessary and proportionate to further a legitimate aim, in accordance with the State's obligations under applicable international human rights instruments, and that, if imposed, administrative or judicial review that is prompt, competent, independent and impartial should be available,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

Noting that the proper management of assemblies involves and can have an impact on respect for human rights before, during and after an assembly, and aims to contribute to its peaceful conduct and to prevent injuries to and loss of life of protesters, those monitoring such protests, bystanders and officials exercising law enforcement duties,

Acknowledging that peaceful protests may occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

Recognizing also that peaceful protests have historically played a constructive social and political role in the development of more just and accountable societies, and that such protests can continue to make a positive contribution to human development,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, and torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their

rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Concerned about the emerging trend of disinformation and of undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies,

Noting that the possibility of using communications technology securely and privately, in accordance with international human rights law, is important for the organization and conduct of assemblies,

Noting also that, although an assembly has generally been understood as a physical gathering of people, human rights protections, including for the rights to freedom of peaceful assembly, of expression and of association, may apply to analogous interactions taking place online,

Recalling the rights to freedom of peaceful assembly, of expression and of association, which encompass organizing, participating, observing, monitoring and recording assemblies,

Expressing its concern at the criminalization, in all parts of the world, of individuals and groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Bearing in mind that assemblies can be facilitated on the basis of communication and collaboration among organizers, protesters, local authorities and officials exercising law enforcement duties,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Encouraging all States to make appropriate use of the *Resource book on the use of force and firearms in law enforcement* published by the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, and the updated training package of the Office of the High Commissioner on human rights law and law enforcement,

Recalling the importance of adequate training for officials exercising law enforcement duties assigned to the management of assemblies, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

1. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations and abuses, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings, or threats of such acts at all times;

2. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that domestic legislation and procedures relating to the

rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, to clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

3. *Encourages* all States to give due consideration to the compilation of practical recommendations for the proper management of assemblies based on best practices and lessons learned,[130] which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, and to promote and protect human rights in the context of assemblies, including peaceful protests;

4. *Calls upon* States to facilitate peaceful protests by providing protestors, to the extent possible, with access to public space within sight and sound of their intended target audience, and by protecting them, without discrimination, where necessary, against any form of threat or harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between organizers, protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls upon States to establish such appropriate channels;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

7. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, of expression and of association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers observing, monitoring and recording peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Also calls upon* all States to refrain from and cease measures, when in violation of international human rights law, seeking to block Internet users from gaining access to or disseminating information online;

10. *Urges* all States to avoid using force during peaceful protests, to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force, and also to ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment;

11. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular, applicable principles of law enforcement, such as necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

12. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

13. *Calls upon* States to investigate any death or significant injury, including those that lead to disability, incurred during protests, including those resulting from the discharge of firearms or the use of less-lethal weapons by officials exercising law enforcement duties or by private personnel acting on behalf of the State;

14. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of the State, including in international human rights law and,

[130] See A/HRC/31/66.

where appropriate, international humanitarian law, and in this regard urges States to include in such training the application of de-escalation strategies;

15. *Encourages* States to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish protocols for the training and use of less-lethal weapons, bearing in mind that even less-lethal weapons can result in a risk to life;

16. *Underlines* the importance of thorough and independent testing of less-lethal weapons prior to procurement and deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

17. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies, including peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to international human rights law and standards;

18. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent injuries, including those that lead to disability, and loss of life of protestors, those observing, monitoring and recording such assemblies, bystanders, and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

19. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, in this regard;

20. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law and in conformity with their international human rights obligations and commitments, and to provide all victims with access to a remedy and redress, including in the context of peaceful protests;

21. *Requests* the United Nations High Commissioner for Human Rights to prepare a thematic report on new technologies, including information and communications technology, and their impact on the promotion and protection of human rights in the context of assemblies, including peaceful protests, and to submit it to the Human Rights Council prior to its forty-fourth session;

22. *Also requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions, civil society organizations and relevant special procedure mandate holders;

23. *Decides* to continue its consideration of this topic and next steps at its forty-fourth session under agenda item 3.

38th meeting
6 July 2018

[Adopted without a vote.]

38/12. Civil society space: engagement with international and regional organizations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and

relevance in the context of their anniversaries, and guided further by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular in the context of its twentieth anniversary,

Recalling its resolutions 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; the promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

Reminding States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as when addressing financial and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women and youth, promoting the rights of the child, advancing social justice and consumer protection, the realization of all human rights and the implementation of the 2030 Agenda for Sustainable Development,

Recalling Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006, and welcomes the contribution of civil society in this regard,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and welcoming also its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the fundamental contribution that civil society and human rights defenders make to the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights, and strongly condemning all such violations and abuses,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue restrictions on funding to civil society actors undermine the right to freedom of association and the ability to participate effectively and meaningfully in regional and international organizations,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing that access to information, online and offline, is fundamentally important to civil society organizations in conducting their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

Recognizing also the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Reaffirms* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Urges* States to fulfil their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, online and offline as applicable, inter alia, the right to freedom of expression and opinion, including artistic expression and creativity, and the right to assemble peacefully and associate freely;

3. *Encourages* States and organizations to put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and to address any erroneous accreditation decisions;

4. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

5. *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

6. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

7. *Urges* States and strongly encourages international and regional organizations to adopt and implement robust policies on access to information, in compliance with relevant international law;

8. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

9. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and implementation, monitoring and evaluation processes, and once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms;

10. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

11. *Also recognizes* that the effective functioning of the above-mentioned regional and international human rights mechanisms and bodies is inexorably linked to civil society participation;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-

up to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

14. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations,[131] and notes the concerns expressed therein regarding the challenges facing civil society in this regard;

15. *Encourages* States to apply good practices, including, but not limited to, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society,[132] and the good procedures and practices identified by the High Commissioner in his report on procedures and practices in respect of civil society engagement with international and regional organizations;[131]

16. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

17. *Calls upon* States to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

18. *Strongly encourages* all relevant United Nations bodies to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

19. *Notes* the intention of a group of States to undertake a stocktaking exercise in the run-up to the forty-first session of the Human Rights Council, to examine the progress made to date in improving civil society engagement in international and regional organizations, with particular reference to the recommendations made by the High Commissioner in his report,[131] and invites States and other stakeholders, including the Office of the High Commissioner and civil society, to participate in this exercise;

20. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

21. *Requests* the High Commissioner to prepare a report on progress made in improving civil society engagement with international and regional organizations and to present it to the Human Rights Council at its forty-fourth session;

22. *Decides* to remain seized of the matter.

38th meeting
6 July 2018

[Adopted by a recorded vote of 35 to 0, with 11 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Ecuador, Georgia, Germany, Hungary, Iraq, Japan, Kenya, Mexico, Mongolia, Nepal, Pakistan, Panama, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Ukraine and United Kingdom of Great Britain and Northern Ireland

[131] A/HRC/38/18.
[132] A/HRC/32/20.

Abstaining:

Burundi, China, Cuba, Egypt, Ethiopia, Kyrgyzstan, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)]

38/13. Business and human rights: improving accountability and access to remedy

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action, and recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the International Labour Organization, which provides direct guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices as a global instrument that was formulated and has been adopted by Governments, employers and workers around the world,

Recalling General Assembly resolution 72/247 of 24 December 2017 on the twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Human Rights Council resolution 26/9 of 14 July 2014, all on the issue of human rights and transnational corporations and other business enterprises,

Recalling further the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development, and in this context, in particular paragraph 67 thereof,

Recalling in particular that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impact from business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" Framework,

Stressing that the obligation and the primary responsibility to promote, protect and fulfil human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Recognizing the efforts made to implement the Guiding Principles on Business and Human Rights by various States, business enterprises, international organizations and members of civil society,

Recognizing also that the implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encouraging States to take appropriate steps to improve and encourage corporate accountability and access to remedy for victims of business-related human rights abuse,

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuse, and emphasizing the need to ensure their safety,

Recognizing the valuable role played by civil society, including non-governmental organizations, in promoting the implementation of the Guiding Principles on Business and Human Rights and accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of business enterprises and activities,

Recognizing also that the operational principles of the access to remedy pillar include State-based judicial mechanisms, State-based non-judicial grievance mechanisms and non-State-based grievance mechanisms,

Reaffirming in particular that independent and effective judicial mechanisms are at the core of ensuring access to remedy, and encourage States to provide effective and appropriate judicial and non-judicial grievance mechanisms as part of access to remedy for business-related human rights abuses,

Reaffirming that States can play a helpful role in raising awareness of or facilitating access to non-State-based grievance mechanisms alongside the mechanisms provided by States themselves as part of comprehensive efforts to provide remedy for business-related human rights abuses,

Recognizing that national legal, policy or regulatory measures and national action plans on business and human rights can play an important role in implementing the Guiding Principles on Business and Human Rights, including in identifying and addressing issues on access to remedy for business-related human rights abuses,

Recognizing also the positive and valuable role played by civil society, including non-governmental organizations, business enterprises and trade unions, in the promotion and protection of human rights, including in the context of corporate activity and when seeking accountability and assisting victims in their access to effective remedies in cases of business-related human rights abuses,

Recognizing further the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuse, including through supporting the effective implementation of the Guiding Principles on Business and Human Rights,

Recognizing that an increasing number of business enterprises have taken steps to implement the Guiding Principles on Business and Human Rights,

Recognizing also that non-State-based grievance mechanisms administered by business enterprises, alone or with stakeholders, by industry associations or other multi-stakeholder initiatives may offer, in particular when aligned with the Guiding Principles on Business and Human Rights, such benefits as speed of access and remediation and reduced costs,

Recognizing further the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and often depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation his report on improving accountability and access to non-judicial remedy for business-related human rights abuses;[133]

2. *Also welcomes* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in guiding and chairing the annual Forum on Business and Human Rights and in convening regional meetings to discuss challenges and lessons learned in a regional context;

3. *Further welcomes* the efforts of the Working Group to explore options for enhancing access to effective remedies, including in its latest report to the General

[133] A/HRC/38/20 and Adds.1–2.

Assembly[134] and in the sixth session of the Forum, which focused on realizing access to effective remedy;[135]

4. *Invites* States to consider using the reports of the High Commissioner, including the recommendations therein, when seeking to enhance the ability and effectiveness of State-based judicial and non-judicial mechanisms;

5. *Also invites* States to work through relevant intergovernmental processes to enhance accountability and access to remedy for victims in cases of business involvement in human rights abuses;

6. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, for the protection of human rights, participating in good faith in national judicial and non-judicial processes, and by establishing effective operational-level mechanisms to enable the early resolution of grievances;

7. *Encourages* business enterprises to share publicly and disseminate broadly information regarding their human rights policies and procedures to enhance engagement with stakeholders, including affected communities, with respect to business operations and the preventative measures that businesses can take;

8. *Requests* the Working Group, mindful of the guidance provided by the Accountability and Remedy Project of the Office of the High Commissioner, to analyse further the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, and to convene a two-day global consultation on these issues, open to all stakeholders, and to inform the Human Rights Council by its forty-fourth session as appropriate;

9. *Requests* the High Commissioner to continue his work in this area, including the dissemination of parts I and II of the Accountability and Remedy Project,[136] and to identify and analyse challenges, opportunities, best practices and lessons learned with regard to non-State-based grievance mechanisms that are relevant to the respect by business enterprises for human rights, to convene two consultations, involving representatives of States and other stakeholders to discuss such issues, and to submit a report thereon to the Human Rights Council for consideration at its forty-fourth session;

10. *Encourages* all relevant United Nations programmes and agencies to assist States upon their requests, including through technical cooperation and capacity-building activities, and to improve accountability and access to remedy for victims of business-related human rights abuse by taking into consideration the reports of the High Commissioner on the Accountability and Remedy Project and the recommendations contained therein;

11. *Encourages* national human rights institutions and civil society, including non-governmental organizations, to take into consideration the reports of the High Commissioner on the Accountability and Remedy Project in their activities aimed at supporting States' efforts to improve accountability and access to judicial and non-judicial remedy for victims of business-related human rights abuse;

12. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

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[134] A/72/162.

[135] See A/HRC/38/49.

[136] See A/HRC/32/19 and Corr.1 and Add.1, and A/HRC/38/20 and Add.1.

13. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

38th meeting
6 July 2018

[Adopted without a vote.]

38/14. Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 35/27 of 23 June 2017, and regretting the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in its resolutions, including on access of the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;[137]

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the undue restrictions on the freedoms of peaceful assembly, association and expression, while noting the positive step taken in permitting a public celebration of the one-hundredth anniversary of the declaration of independence of the Republic of Belarus on 25 March 2018; the continued allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing harassment of human rights defenders, trade unions and civil society organizations, many of which are denied registration or raided by the authorities; and the arrest and fining of journalists for performing their activities and various infringements of freedom of expression, including by the media; and urges the Government to fully respect the freedoms of peaceful assembly, association and expression;

3. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies, and also deplores discrimination particularly affecting individuals belonging to vulnerable groups and religious minorities;

4. *Reiterates* its call upon the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

[137] A/HRC/38/51.

5. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016–2019 for the implementation of the recommendations accepted by the Government during the second cycle of the universal periodic review of Belarus and the recommendations by some treaty bodies, encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations, also welcomes the submission of the fifth report by the Government on the implementation of the International Covenant on Civil and Political Rights, in March 2017, and further welcomes the registration of the Tell the Truth movement as a non-governmental organization in May 2017 and the MAKEOUT lesbian, gay, bisexual and transgender project in March 2018, and the steps taken towards a public debate on the application of capital punishment;

6. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

7. *Urges* the Government of Belarus to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal, and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

8. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, those civil and political rights have not been reinstated, and political activists continue to be ill-treated and to face questionable and politically motivated charges, while there has been no progress on four outstanding cases of enforced disappearance of political opponents dating back to 1999 and 2000;

9. *Strongly encourages* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices, which were apparent again during the local elections in February 2018, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

10. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to continue to engage actively in the implementation of the 2030 Agenda for Sustainable Development;

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its forty-first session and to the General Assembly at its seventy-fourth session;

12. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country in his official capacity in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of his recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of his mandate, and requests the latter to continue to monitor developments and make recommendations.

38th meeting
6 July 2018

[Adopted by a recorded vote of 19 to 6, with 21 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Germany, Hungary, Japan, Mexico, Panama, Peru, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Ecuador, Ethiopia, Georgia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, South Africa, Togo, Tunisia]

38/15. Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its previous resolutions and all reports on the situation of human rights in Eritrea,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

Welcoming also the submission of the initial report of Eritrea to the African Commission on Human and Peoples' Rights at its sixty-second ordinary session,

Regretting the continued lack of cooperation with the Special Rapporteur on the situation of human rights in Eritrea, including the denial of access to the country,

Recalling the previous reports of the commission of inquiry on human rights in Eritrea, and of the Special Rapporteur, while continuing to express its deep concern at the findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, including arbitrary arrest and incommunicado detention, enforced disappearance and torture, and reiterating that all perpetrators of such violations and abuses must be held accountable,

Emphasizing that every citizen has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections have not been held in Eritrea since 1993,

Welcoming the release by the Government of Eritrea, following mediation by the Government of Qatar, of 4 Djiboutian prisoners of war, on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the policy of indefinite conscription into national/military service and at the human rights violations committed in the context of national service,

Deeply concerned that the situation of human rights in Eritrea is a key driver behind the large numbers of Eritreans attempting to leave their country,

1. *Welcomes with appreciation* the work of the Special Rapporteur on the situation of human rights in Eritrea, stresses its deep concern at the ongoing grave violations and abuses and lack of progress outlined therein, including arbitrary detention, enforced disappearances, torture and sexual violence and forced labour, and urges the Government of Eritrea to take immediate and concrete steps to implement all her recommendations;

2. *Recalls* the report of the commission of inquiry on human rights in Eritrea[138] and the information that it has collected in support of future accountability;

3. *Welcomes* the enhanced interactive dialogue and the oral update from the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Eritrea at the thirty-seventh session of the Human Rights Council;

4. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

5. *Reiterates* that all those responsible for human rights violations and abuses must be held accountable;

6. *Also reiterates* its calls upon the Government of Eritrea:

(a) To end the use of torture and other cruel, inhumane and degrading treatment or punishment, including by ending the use of secret detention centres and the practice of incommunicado detention;

(b) To respect everyone's rights to freedom of expression and to freedom of thought, conscience and religion or belief, and the right to freedom of peaceful assembly and association, and to ensure free, fair and equal access to an independent and impartial court and to improve prison conditions, including by prohibiting the use of underground cells, shipping containers and other inappropriate facilities to hold prisoners, ending the use of secret detention centres and the practice of irregular and incommunicado detention, allowing regular access to prisoners for relatives, legal representatives and independent monitoring mechanisms, and ensuring timely and regular unhindered access to medical care;

(c) To ensure that prompt and effective investigations are conducted into all allegations of human rights violations, including torture and ill-treatment, with a view to bringing perpetrators to justice;

(d) To stop and prevent shooting to wound or kill Eritrean citizens attempting to cross the border to flee the country;

(e) To release all those arbitrarily detained, including members of the G-15 reform group, journalists, religious figures and political prisoners, and to ensure that all detainees are given a fair and transparent trial;

(f) To put an end to the indefinite nature of national/military service and the use of conscripts as forced labour, and to ensure that all the rights of those serving national and military service are protected;

[138] A/HRC/32/47.

(g) To ensure the right to form and join political parties, and to guarantee the right and opportunity of all citizens to take part at all levels in the political process and to vote and be elected in free, fair and transparent democratic elections, guaranteeing free expression of the will of the people;

(h) To seek support to establish an independent, impartial and transparent judiciary with a view to ensuring access to justice for all;

(i) To work to finalize and implement the Constitution of 1997 in consultation with all relevant stakeholders;

(j) To immediately stop the practice of demanding that Eritreans in the diaspora sign the B4/4.2 form (the so-called "regret form"), in which they accept responsibility for any crime, if committed, before leaving the country, in order to have access to consular services from Eritrean diplomatic missions;

(k) To stop the use of extortion, threats of violence, fraud and other illicit means of collecting taxes outside Eritrea from its nationals or other individuals of Eritrean origin, and to abstain from such practices;

(l) To allow independent media and independent civil society organizations to operate freely;

(m) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the attempted takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian prisoners of war still detained;

(n) To allow unhindered access to the country by the Office of the High Commissioner and the mechanisms of the Human Rights Council, and to cooperate with all other international and regional human rights mechanisms;

7. *Requests* the Government of Eritrea to fully respect land rights in relation to traditional ownership and property rights, including those of foreign communities, and to bring to an end all arbitrary deprivation of property in violation of international law;

8. *Encourages* States to protect and pay due attention to the safety of those who have cooperated with the commission of inquiry and the Special Rapporteur, and in particular to protect them from reprisals;

9. *Welcomes* the Special Rapporteur's preliminary contact with the African Union, takes note of her recommendations for a regional accountability mechanism,[139] and encourages further contacts between the Special Rapporteur, the African Union and other regional mechanisms with regard to human rights violations and abuses in Eritrea with a view to promoting accountability and fighting impunity;

10. *Urges* Eritrea to make information available pertaining to the remaining Djiboutian prisoners of war missing since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

11. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their impact on human rights, including with respect to allegations of use of conscript labour;

12. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year;

13. *Requests* the Special Rapporteur to submit and present a written report to the Human Rights Council at its forty-first session, and to engage in an interactive dialogue with the General Assembly on her report at its seventy-third session;

14. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea, at its fortieth session, with the participation of, inter alia, the Special

[139] See A/HRC/38/50.

Rapporteur, the Office of the High Commissioner, civil society and other relevant stakeholders;

15. *Invites* the Special Rapporteur to assess and report on the situation of human rights and the engagement and cooperation of the Government of Eritrea with the Human Rights Council and its mechanisms, as well as with the Office of the High Commissioner, and, where feasible, to develop benchmarks for progress in improving the situation of human rights and a time-bound plan of action for their implementation;

16. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting access to the country, and to give due consideration to the recommendations contained in the reports of the Special Rapporteur;

17. *Requests* the Office of the High Commissioner to present an oral update to the Human Rights Council at its fortieth session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

18. *Encourages* the Government of Eritrea to consider the establishment of a presence of the Office of the High Commissioner in Eritrea with a holistic mandate to protect, promote and monitor human rights, with unhindered access;

19. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

20. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

21. *Reiterates* its strong encouragement to the African Union to follow up on the report and recommendations of the commission of inquiry[138] and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving the violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil her mandate;

23. *Decides* to remain seized of the matter.

38th meeting
6 July 2018

[Adopted without a vote.]

38/16. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on

attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and stressing the need to respect the de-escalation areas in order to achieve a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling also that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling further the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, and regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the

systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and besiegement directed against civilian populations as a method of warfare, and stresses the particular situation of concern in this regard in Idlib and other areas where airstrikes continue to cause death and injury among civilians;

7. *Further strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

8. *Strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

9. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

10. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;[10]

11. *Notes* the findings of the Commission of Inquiry that such acts of sexual violence were committed most commonly by the Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that after February 2012, these acts constitute the war crimes

[10] See A/HRC/37/72 and A/HRC/37/CRP.3.

of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

12. *Strongly condemns* all acts of such violence, calls for immediate medical and psychosocial support to be provided to survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission of Inquiry;

13. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

14. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

15. *Strongly condemns* the continued widespread practices of enforced disappearance and arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, cause to victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

18. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015) and, in particular, to end the arbitrary detention and torture of civilians and sexual violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;[141]

19. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[141] and in particular calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those they have detained to their families;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

[141] See A/HRC/37/72.

21. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

22. *Expresses deep concern* at the situation of the 6.6 million internally displaced people across the Syrian Arab Republic, and urges all parties to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

23. *Deplores* the existence and application of national legislation, in particular Syrian law No. 10/2018, which would have a significant detrimental impact on freedom of movement and the right of Syrians displaced by the conflict to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its repeal;

24. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary and subject to informed consent to the places of origin and protect all property and tenancy rights;[141]

25. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

27. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

28. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

29. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which it found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

30. *Expresses grave concern* at the recent finding by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

31. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, resulting in the death of more than 70 people and injury to many

more, and looks forward to the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

32. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017 and March 2018, in which the Technical Secretariat reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

33. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and also expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

34. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any effort to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

35. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

36. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard;

37. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including its close cooperation with the Commission of Inquiry and Syrian civil society;

38. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate multiannual financial means for its functioning;

39. *Deplores* the grave humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 2 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

40. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of Eastern Ghouta amounted to war crimes and crimes against humanity;[142]

41. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

42. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and

[142] See A/HRC/38/CRP.3.

humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

43. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

44. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

45. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels in 2018, and renews its call for the international community to deliver in full all pledges;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

47. *Decides* to remain seized of the matter.

39th meeting
6 July 2018

[Adopted by a recorded vote of 26 to 5, with 15 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Iraq, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Egypt, Ethiopia, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]

38/17. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, the Economic and Social Council and the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

3. *Stresses* the need for the increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for two working days in 2019, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the promotion and protection of the rights of children and youth through education;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chair-Rapporteur for the 2019 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on the promotion and protection of the rights of children and youth through education as background documents for the dialogues and debates that will be held at the 2019 Social Forum;

7. *Requests* the High Commissioner to facilitate participation in the 2019 Social Forum, in order to contribute to the interactive dialogues and debates held at the Forum and to assist the Chair-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries, the Special Rapporteur on the right to education and the Chair of the Committee on the Rights of the Child;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, and representatives designated by national human rights institutions and non-governmental organizations in consultative status with the Economic and Social Council,

and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, and representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum, and to take all practical measures required for the success of this initiative;

11. *Invites* the 2019 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its forty-first session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its forty-first session under the same agenda item.

39th meeting
6 July 2018

[Adopted without a vote.]

38/18. The contribution of the Human Rights Council to the prevention of human rights violations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

Welcoming the fact that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recognizing that States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Reaffirming the contribution that the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251 of 15 March 2006, including paragraph 5 (f),

recognizing that all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming also the existing procedures and mechanisms of the Human Rights Council, particularly the universal periodic review, the special procedures, the complaints procedure, the Advisory Committee and the open-ended intergovernmental working groups, whose mandates are relevant to the promotion and protection of human rights and the prevention of human rights violations,

Reaffirming further General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

Recalling Human Rights Council resolution 33/6 of 29 September 2016, on the role of prevention in the promotion and protection of human rights, and other relevant resolutions of the Council,

Recalling also General Assembly resolution 66/137 of 19 December 2011, on the United Nations Declaration on Human Rights Education and Training,

Emphasizing the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

1. *Recognizes* the contribution that the Human Rights Council can make to the prevention of human rights violations, including through the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251, which comprises two mutually reinforcing elements:

(a) To contribute, through dialogue and cooperation, towards the prevention of human rights violations;

(b) To respond promptly to human rights emergencies;

2. *Decides* to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations;

3. *Requests* the President of the Human Rights Council to appoint, as early as possible, a chair-rapporteur and two rapporteurs to chair and facilitate the two intersessional seminars in Geneva, and to consult and gather the views of relevant stakeholders in Geneva and New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session;

4. *Decides* that the report shall:

(a) Provide an overview of the views reflected in the two seminars;

(b) Give due consideration to how the Human Rights Council can work effectively with all pillars of the United Nations system on the prevention of human rights violations with a view to strengthening system-wide coherence and contributing to sustaining peace and the implementation of the Sustainable Development Goals;

(c) Give due consideration to the availability in the United Nations system of financial resources for human rights promotion, and for prevention in particular;

5. *Requests* the President of the Human Rights Council, when appointing the chair-rapporteur, to consult with regional groups and to give paramount consideration to governmental background or experience, and when appointing the rapporteurs, to give

paramount consideration to relevant multilateral and human rights expertise and experience, as well as to gender and broad geographic representation;

6. *Calls upon* States and other relevant stakeholders to cooperate fully with the chair-rapporteur and the rapporteurs and to provide them with all the relevant information to enable them to fulfil their mandate;

7. *Requests* the United Nations High Commissioner for Human Rights to ensure that the chair-rapporteur and rapporteurs receive the necessary financial and human resources to enable them to discharge their mandate fully;

8. *Decides* to remain seized of the matter.

39th meeting
6 July 2018

[Adopted by a recorded vote of 28 to 9, with 8 abstentions. The voting was as follows:

In favour:

Afghanistan, Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Georgia, Germany, Hungary, Iraq, Japan, Mexico, Mongolia, Nepal, Panama, Peru, Qatar, Republic of Korea, Rwanda, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, Kyrgyzstan, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Angola, Democratic Republic of the Congo, Ecuador, Ethiopia, Kenya, Nigeria, Pakistan, Philippines]

38/19. The incompatibility between democracy and racism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,

Recalling also the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling further the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,

Recalling General Assembly resolutions 68/237 of 23 December 2013, in which the Assembly proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development", and 69/16 of 18 November 2014, in which it adopted the programme of activities for the implementation of the International Decade for People of African Descent,

Recalling also Human Rights Council resolutions 29/20 of 2 July 2015 and 18/15 of 29 September 2011, Council decision 2/106 of 27 November 2006, and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of

23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,

Bearing in mind all relevant reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and of the United Nations High Commissioner for Human Rights with regard to the incompatibility between democracy and racism,

Welcoming the panel discussion on the incompatibility between democracy and racism, held in March 2016 during the thirty-first session of the Human Rights Council, and taking note of the summary report of the High Commissioner on the panel discussion, presented to the Council at its thirty-second session,[143]

Acknowledging the linkage and complementarity of the fight against racism, racial discrimination and xenophobia with the long-term construction of a democratic, non-discriminatory and a multicultural society based on the recognition, respect and promotion of cultural, ethnic and religious diversity,

Remaining alarmed at the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Emphasizing that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that acts of racial violence, incitement to racial hatred or discrimination, inter alia by the dissemination of ideas based on racial or ethnic superiority or hatred, do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts they undermine the principle of non-discrimination and endanger democracy,

Recognizing the importance of freedom of speech and expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

Acknowledging that the exercise of the right to freedom of expression carries with it special duties and responsibilities, among which the obligation not to disseminate racist ideas is of particular importance, and that freedom of expression shall only be subject to certain restrictions that are provided for by law and are necessary for respect of the rights or reputations of others, including the principles of equality and non-discrimination,

Condemning political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, and legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Emphasizing the importance of States reinforcing their commitment to promoting tolerance and human rights and to fighting against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance,

Reaffirming that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights, as established in the relevant international and regional human rights instruments, and are incompatible with democracy, the rule of law and transparent and accountable governance;

2. *Expresses deep concern* about the rise of extremist political parties, movements and groups that seek to normalize racism, racial discrimination, xenophobia and

[143] A/HRC/32/29.

related intolerance, particularly against migrants and refugees, and about the negative or derogatory stereotypes that incite hatred of and violence against them;

3. *Urges* States to develop comprehensive approaches to counter violent manifestations of racism, racial discrimination, xenophobia and related intolerance, including by extremist political leaders, parties, movements and groups, through solid legal frameworks, complemented by other measures, such as education and awareness-raising programmes and a victim-centred approach;

4. *Decides* to convene, before its forty-first session, an intersessional high-level panel discussion on the incompatibility between democracy and racism, with a view to identifying challenges and good practices;

5. *Requests* the United Nations High Commissioner for Human Rights to organize the panel discussion in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies as appropriate, with a view to ensuring their participation in the panel discussion;

6. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-second session;

7. *Invites* the relevant mechanisms of the Human Rights Council and the United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from racism and xenophobia in political circles, especially with regard to their incompatibility with democracy.

40th meeting
6 July 2018

[Adopted without a vote.]

38/20. Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai region

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as other relevant instruments to which they are parties, and to fulfil their obligations under those instruments and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 35/33 of 23 June 2017 and 33/29 of 30 September 2016 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting and reporting human rights violations and abuses, and in improving the situation of human rights in the country,

Welcoming with satisfaction the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United

Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 35/33, including by facilitating access to the country, sites and persons,

Noting with concern the conclusions of the team of international experts in its report,[144] particularly on serious human rights violations and abuses, and on violations of international humanitarian law by all parties to the conflict, including those concerning deliberate attacks against the civilian population or against civilians not directly taking part in hostilities, the recruitment and use of child soldiers, widespread sexual and gender-based violence, extrajudicial killings, killing and maiming, ethnic violence, looting, as well as sexual slavery and the destruction of homes, schools, hospitals, places of worship and State infrastructure by the militias,

Reiterating its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Central Kasai while discharging their mandate, and their companions, and emphasizing the need to bring to justice all those responsible,

Deeply alarmed by the ongoing humanitarian consequences of violence against civilians in the Kasai region, which have caused significant forced displacement of populations,

Taking note of the statement of the Special Representative of the Secretary-General for Children and Armed Conflict, on 30 April 2018, in which she describes the disproportionate impact of violence on children in the Kasai region in 2017, especially killings, maiming and burning children alive,

1. *Condemns in the strongest terms* all acts of violence, incitement to hatred and ethnic violence, human rights violations and violations of international humanitarian law committed by all parties to the conflict in the Kasai region since August 2016, including violence and abuse against women and children, the unlawful recruitment and use of child soldiers;

2. *Condemns in particular* violations and abuses committed against children, who were the first victims of the violence, and the conditions in which they were committed, including through the excessive use of force and the recruitment and use of children by the militias, calls upon all parties to put an immediate end to these serious human rights violations and abuses, and calls upon the Government of the Democratic Republic of the Congo to implement, with the support of relevant stakeholders, effective reintegration and rehabilitation programmes, taking into account gender-sensitive issues for children involved in armed conflict;

3. *Notes with appreciation* the work of the team of international experts dispatched by the United Nations High Commissioner for Human Rights, notes also the importance of the information and evidence it has collected to support future efforts regarding accountability for human rights violations and abuses in the Kasai region, and requests the High Commissioner to share the conclusions and recommendations of the team of international experts with the General Assembly;

4. *Notes with concern* the content of the statement made by the Chairperson of the team of international experts, during the interactive dialogue of 3 July 2018, on the ongoing acts of violence associated with the crisis in the Kasai region, the continuing recruitment and use of children by the Kamuina Nsapu and Bana Mura militias, as well as reports of continuing intercommunal violence and violence of the militias in the Kasai region;

5. *Calls on* the Government of the Democratic Republic of the Congo to continue and to intensify its efforts to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law;

[144] A/HRC/38/31.

6. *Commends* the role played by regional and international organizations as well as neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai region;

7. *Requests* the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, in particular those relating to the fight against impunity, so that all those responsible are brought to justice, and to promote reconciliation, and underscores in this regard the need to address the root causes of the conflict to ensure the non-recurrence of violence;

8. *Requests* the High Commissioner to dispatch a team of two international human rights experts, with adequate support, to be charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of the recommendations made by the previous team of international experts in its report, in particular with regard to the fight against impunity and the measures to promote reconciliation, and to make recommendations in this regard, as appropriate;

9. *Also requests* the High Commissioner to present an oral update on the developments of the human rights situation in the Kasai region and to invite the team of two international experts to participate in an enhanced interactive dialogue at its fortieth session, and further requests the High Commissioner to transmit and submit a comprehensive report on the human rights situation in the Kasai region, including the conclusions of the team of two international experts, and to invite the team to participate in an interactive dialogue at its forty-first session;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Government of the Democratic Republic of the Congo with technical assistance, including the necessary forensic expertise, to support the Congolese judicial authorities in their investigations into allegations of human rights violations and abuses, and crimes committed in the Kasai region, to ensure that all perpetrators are brought to justice;

11. *Calls upon* the Government of the Democratic Republic of the Congo to cooperate with the team of two international experts;

12. *Requests* that the Office of the High Commissioner receive the necessary and appropriate resources for the performance of its mandate;

13. *Decides* to remain seized of this matter.

40th meeting
6 July 2018

[Adopted without a vote.]

B. Decisions

38/101. Outcome of the universal periodic review: France

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of France on 15 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of France, comprising the report thereon of the Working Group on the Universal Periodic Review,[145] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[145] A/HRC/38/4.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[146]

22nd meeting
28 June 2018

[Adopted without a vote.]

38/102. Outcome of the universal periodic review: Tonga

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Tonga on 15 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tonga, comprising the report thereon of the Working Group on the Universal Periodic Review,[147] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[148]

23rd meeting
28 June 2018

[Adopted without a vote.]

38/103. Outcome of the universal periodic review: Romania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Romania on 16 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Romania, comprising the report thereon of the Working Group on the Universal Periodic Review,[149] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[150]

23rd meeting
28 June 2018

[Adopted without a vote.]

38/104. Outcome of the universal periodic review: Mali

The Human Rights Council,

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[146] A/HRC/38/4/Add.1; see also A/HRC/38/2, chap. VI.
[147] A/HRC/38/5.
[148] A/HRC/38/5/Add.1; see also A/HRC/38/2, chap. VI.
[149] A/HRC/38/6.
[150] A/HRC/38/6/Add.1; see also A/HRC/38/2, chap. VI.

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Mali on 16 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Mali, comprising the report thereon of the Working Group on the Universal Periodic Review,[151] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[152]

23rd meeting
28 June 2018

[Adopted without a vote.]

38/105. Outcome of the universal periodic review: Botswana

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Botswana on 17 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Botswana, comprising the report thereon of the Working Group on the Universal Periodic Review,[153] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[154]

24th meeting
28 June 2018

[Adopted without a vote.]

38/106. Outcome of the universal periodic review: Bahamas

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Bahamas on 17 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Bahamas, comprising the report thereon of the Working Group on the Universal Periodic Review,[155] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[151] A/HRC/38/7

[152] A/HRC/38/7/Add.1; see also A/HRC/38/2, chap. VI.

[153] A/HRC/38/8

[154] A/HRC/38/8/Add.1; see also A/HRC/38/2, chap. VI.

[155] A/HRC/38/9

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[156]

24th meeting
28 June 2018

[Adopted without a vote.]

38/107. Outcome of the universal periodic review: Burundi

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Burundi on 18 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Burundi, comprising the report thereon of the Working Group on the Universal Periodic Review,[157] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[158]

24th meeting
28 June 2018

[Adopted without a vote.]

38/108. Outcome of the universal periodic review: Luxembourg

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Luxembourg on 18 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Luxembourg, comprising the report thereon of the Working Group on the Universal Periodic Review,[159] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[160]

25th meeting
29 June 2018

[Adopted without a vote.]

38/109. Outcome of the universal periodic review: Barbados

The Human Rights Council,

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[156] A/HRC/38/9/Add.1; see also A/HRC/38/2, chap. VI.
[157] A/HRC/38/10.
[158] A/HRC/38/10/Add.1; see also A/HRC/38/2, chap. VI.
[159] A/HRC/38/11.
[160] A/HRC/38/11/Add.1; see also A/HRC/38/2, chap. VI.

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Barbados on 19 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Barbados, comprising the report thereon of the Working Group on the Universal Periodic Review,[161] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[162]

25th meeting
29 June 2018

[Adopted without a vote.]

38/110. Outcome of the universal periodic review: Montenegro

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Montenegro on 22 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Montenegro, comprising the report thereon of the Working Group on the Universal Periodic Review,[163] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[164]

25th meeting
29 June 2018

[Adopted without a vote.]

38/111. Outcome of the universal periodic review: United Arab Emirates

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the United Arab Emirates on 22 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United Arab Emirates, comprising the report thereon of the Working Group on the Universal Periodic Review,[165] the views of the

[161] A/HRC/38/12.
[162] A/HRC/38/12/Add.1; see also A/HRC/38/2, chap. VI.
[163] A/HRC/38/13.
[164] A/HRC/38/13/Add.1; see also A/HRC/38/2, chap. VI.
[165] A/HRC/38/14.

State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[166]

25th meeting
29 June 2018

[Adopted without a vote.]

38/112. Outcome of the universal periodic review: Israel

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Israel on 23 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Israel, comprising the report thereon of the Working Group on the Universal Periodic Review,[167] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[168]

26th meeting
29 June 2018

[Adopted without a vote.]

38/113. Outcome of the universal periodic review: Liechtenstein

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Liechtenstein on 24 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Liechtenstein, comprising the report thereon of the Working Group on the Universal Periodic Review,[169] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[170]

26th meeting
29 June 2018

[Adopted without a vote.]

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[166] A/HRC/38/14/Add.1; see also A/HRC/38/2, chap. VI.
[167] A/HRC/38/15.
[168] A/HRC/38/15/Add.1; see also A/HRC/38/2, chap. VI.
[169] A/HRC/38/16.
[170] A/HRC/38/16/Add.1; see also A/HRC/38/2, chap. VI.

38/114. Outcome of the universal periodic review: Serbia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Serbia on 24 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Serbia, comprising the report thereon of the Working Group on the Universal Periodic Review,[171] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[172]

26th meeting
29 June 2018

[Adopted without a vote.]

[171] A/HRC/38/17.

[172] A/HRC/38/17/Add.1; see also A/HRC/38/2, chap. VI.

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GE.18-13957(E)